DEQ
Montana Department of Environmental Quality

Air, Energy & Mining Division

WRH NEVADA PROPERTIES, LLC.

EXPLORATION LICENSE NO. 00906

Amendment No. 1

CROSSOVER PROJECT
FLATHEAD COUNTY, MT

September 28, 2026
Environmental Assessment

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PROJECT OVERVIEW

COMPANY NAME:	WRH Nevada Properties, LLC.
EA DATE:	September 28, 2026
PROJECT:	Crossover
PERMIT/LICENSE:	Exploration License No. 00906
AMENDMENT #:	Amendment 1 (AMD 1)

Location

(47.903106°, -114.627178°) County: Flathead

PROPERTY OWNERSHIP: FEDERAL ☐ STATE ☐ PRIVATE ☒

Compliance with the Montana Environmental Policy Act

Under the Montana Environmental Policy Act (MEPA), Montana agencies are required to prepare an environmental review for state actions that may have an impact on the human environment. The proposed action is considered to be a state action that may have an impact on the human environment, and therefore, the Department of Environmental Quality (DEQ) must prepare an environmental review. This Environmental Assessment (EA) will examine the proposed action and alternatives to the proposed action and disclose potential impacts that may result from the proposed and alternative actions. DEQ will determine the need for additional environmental review based on consideration of the criteria set forth in Administrative Rules of Montana (ARM) 17.4.608. DEQ may not withhold, deny, or impose conditions on the permit based on the information contained in this Environmental Assessment. § 75-1-201(4), Montana Code Annotated (MCA).

Proposed Action

DEQ would approve Amendment 1 (AMD 1) to Exploration License No. 00906 (Exploration License) for WRH Nevada Properties, LLC (Applicant) – Crossover Project, if DEQ has determined that the Applicant has met the criteria set forth in 82-4-332, MCA. If approved, the license to conduct exploration activities would be granted for a period of one year, at which time the Applicant could renew the Exploration License annually.

Purpose and Need

DEQ's purpose and need in conducting this environmental review is to act upon the Applicant's application for an Exploration License Amendment to conduct mineral exploration activities in compliance with the Metal Mine Reclamation Act (MMRA) (Sections 82-4-301, et seq., MCA). On July 1, 2026, the Applicant submitted a complete application for an Exploration License Amendment (AMD 1). Pursuant to 82-4-332(2), MCA, the application was complete and acceptable.

The Applicant proposes this action to assess the commercial potential of an ore deposit using underground exploration methods on private land located in Flathead County, Montana, approximately 40 miles northwest of Polson, MT.

The Plan of Operations submitted on April 22, 2026, includes 4 drill sites, each with 1 drill hole and a single two-celled internal drill sump. Total depth of all drill holes would be up to 14,500 feet, including 3 holes drilled to a maximum depth of 3,500 feet, and 1 hole drilled to a maximum depth of 4,000 feet from the surface. The drill pads would be constructed up to a maximum of 220 feet by 150 feet by 1.5 feet deep. The two-cell internal drill sumps would be constructed on each pad; the first cell on each pad would be excavated to a maximum total dimension of up to 12 feet long by 12 feet wide and up to 6 feet deep, and the second cell on each pad would be excavated to a maximum total dimension of 8 feet long by 8 feet wide and up to 5 feet deep. A single laydown area approximately 110 feet by 105 feet would be constructed to a depth of 1 foot. The applicant is proposing up to 2.48 acres of total new surface disturbance.

The Applicant proposes that the exploration operations be completed no later than **September 15, 2027**, and the reclamation operations be completed no later than **November 1, 2027.**

Table 1: Summary of Activities Proposed in Application

Summary of Proposed Activities in Application	
General Overview	WRH Nevada Properties, LLC. (Applicant) proposes underground exploration activities on private lands located in Sections 24 and 25, Township 25 North, Range 24 West, located in Flathead County, Montana, approximately 40 miles northwest of Polson, MT. The proposed action includes 4 drill sites, each with 1 drill hole and a single two-celled internal drill sump. Total depth of all drill holes would be up to 14,500 feet, including 3 holes drilled to a maximum depth of 3,500 feet, and 1 hole drilled to a maximum depth of 4,000 feet from the surface. The drill pads would be constructed up to a maximum of 220 feet by 150 feet by 1.5 feet deep. The two-cell internal drill sumps would be constructed on each pad; the first cell on each pad would be excavated to a maximum total dimension of up to 12 feet long by 12 feet wide and up to 6 feet deep, and the second cell on each pad would be excavated to a maximum total dimension of 8 feet long by 8 feet wide and up to 5 feet deep. A single laydown area approximately 110 feet by 105 feet would be constructed to a depth of 1 foot. The applicant is proposing up to 2.48 acres of total new surface disturbance. The Applicant proposes that the exploration operations be completed no later than **September 15, 2027**, and the reclamation operations be completed no later than **November 1, 2027.** Final reclamation of all surface disturbances must be completed no later than two years following the conclusion of exploration activities unless otherwise incorporated into an Operating Permit.
Proposed Dimensions	
Drill pads (#)	4
Drill pad dimensions (xyz)	220 feet by 150 feet by 1.5 feet
Internal Drill Sumps (#)	4
Internal Drill Sump Dimensions (xyz)	Cell #1; 12 feet by 12 feet by 6 feet Cell #2; 8 feet by 8 feet by 5 feet
Drill Holes (#)	4
Maximum Drill Hole Depth (z)	4,000 feet
Total Drill Hole Footage (z)	14,500 feet

Laydown Area (#)	1
Laydown Area Dimension (xyz)	110 feet by 105 feet by 1.5 feet
Total new surface disturbance	**2.48 acres**
Specific Proposed Activities	
Duration and timing	The Applicant proposes that the exploration operations be completed no later than September 15, 2027, and the reclamation operations be completed no later than November 1, 2027. Work hours are estimated to be up to 24 hours per day (2 x 12-hour shifts), up to 7 days per week. Final reclamation of all surface disturbances must be completed no later than 2 years following the conclusion of exploration activities.
Equipment	Exploration and reclamation operations would be completed with the following equipment, or similar: • 1 - Drill Rig (Boart Longyear LF-230) • 2 - Water Truck (International 4800) • 1 - Backhoe (Cat 420) • 1 - Telehandler (Genie or Sany, 10,000 lb) • 1 - ATV or UTV (Polaris Sportsman 850) • 2 - Generator (Shindaiwa 14 KVA) • 4 - 1-ton 4x4 Pickup Trucks (Chevrolet 3500) • 1 - Solids Removal Unit (Paramount 40 GPM, 1,077 kg) • 1 - Portable light plant
Location and analysis area	**Location:** 47.903106°, -114.627178° **Distance from the nearest town/city:** On private lands in Sections 24 and 25, Township 25 North, Range 24 West, located in Flathead County, Montana, approximately 40 miles northwest of Polson, MT. **Analysis Area:** The area being analyzed for this environmental review includes the immediate project area, immediate downstream water sources, and neighboring lands surrounding the analysis area within a reasonable distance for the impacts being considered. Refer to Location Map and any other maps below.
Personnel on-site	• 1 - WRH Contract Geologist • 1 - WRH Chief Geologist • 1 - Driller (Contract) • 2 - Driller Helper (Contract) • 2 - Other WRH or Contract Drilling Personnel
Structures	• 2 - Portable toilets • 1 - Connex/Containers (20 feet x 8 feet x 9 feet)

	• 3 - Trash Cans (45 gallon) • 4 - Gasoline Containers (2.5 gallons) • 2 - Diesel Fuel Tanks (100 gallons) • 25 - Lubricants (1-gallon) • 2 - Water tanks (2,000 gallons) • 1 - Water Pump (FMC Model 35) • 2,500 feet of 1" temporary water lines
Proposed action water source	The Applicant proposes to purchase drilling water from the City of Hot Springs municipal water system, located in Section 3 and 4, Township 21 North, Range 24 West, and transport it to the drill site using two 2,000-gallon water trucks. Up to 16,000 gallons of water per day would be used during drilling operations, which may require up to 8 round trips per day to the drill site combined.
Air quality	The Applicant proposes that if fugitive dust is observed, vehicles would travel at a reduced speed. The Applicant is required to comply with the applicable local, county, state, and federal requirements pertaining to air quality.
Supplemental Lighting	The Applicant proposes that a portable light plant would be used from dusk to dawn each day. To minimize fugitive light from leaving the drill pads during night operations, the Applicant proposes to implement Best Management Practices (BMPs), such as downward-facing lights and directional lighting.
Water quality	To minimize impacts on water quality, the Applicant has proposed the use of the following BMPs: compacted earthen berms, plastic liners, and spill prevention and response kits. The Applicant is required to comply with the applicable local, county, state, and federal requirements pertaining to water quality.
Erosion control and sediment transport	To minimize sediment transport from the drill pads, the Applicant has proposed the use of the following BMPs: compacted earthen berms, plastic liners, and spill prevention and response kits. The Applicant is required to comply with the applicable local, county, state, and federal requirements pertaining to erosion control and sediment transport.
Solid waste	The Applicant proposes that any solid wastes produced by the operation would be stored in three 45-gallon trash cans and hauled off-site for disposal at the Republic Services facility in Polson, MT as necessary. The Applicant is required to comply with the applicable local, county, state, and federal requirements pertaining to the disposal of solid waste material.
Cultural resources	The Applicant proposes that the Applicant will not knowingly disturb, alter, injure, or destroy any scientifically important paleontological deposits, or any historical or archaeological site, structure, building or object. If the Applicant discovers any cultural

	or paleontological resource that may be altered or destroyed by operations, the discovery will be left intact and reported to the landowner, Flathead Ridge Ranch (FRR), Montana SHPO and the Flathead County Sheriff. The Applicant is required to comply with the applicable local, county, state, and federal requirements pertaining to cultural resources.
Hazardous substances	The Applicant proposes: • 100 gallons of diesel fuel would be transported in a 2 pickup-mounted fuel tank to the drill pad on a daily basis. • 10 gallons of gasoline would be stored on site in up to four 2.5-gallon containers • 25 gallons of lubricants would be stored in 1-gallon plastic buckets or other spill-proof containers and placed within secondary containment to capture spills. • All hazardous substances would be located in a properly secured storage, and that storage would utilize secondary containment in case of an accidental release. The Applicant must adhere to all applicable local, county, state, and federal regulations concerning hazardous substances.
Reclamation Plans	**Concurrent Reclamation:** The Applicant proposes that, once drilling is complete, the drill sumps would be allowed to dry, then backfilled, and the sump and drill pad recontoured as needed to minimize erosion. Because the area is heavily grazed by cattle, reseeding of disturbed lands would be scheduled after the landowner has moved cattle to fall grazing areas. Reseeding would also be timed to occur just prior to precipitation events to minimize trampling of reclaimed areas and to ensure adequate soil moisture for seed establishment. **Final Reclamation:** End-of-season reclamation would include returning disturbed ground to the original slope, discing, and seeding with an approved seed mix. **Weed Control Plan:** The Applicant proposes that spot-pulling of weeds, along with a broadleaf post-emergent herbicide, would be used to control the spread of noxious weeds. Structures to Remain: The Applicant proposes that no new project-related disturbance or structures would remain unreclaimed after completion of the proposed action. Should the Applicant propose that any structures or disturbances remain following the completion of the proposed action, at the request of the landowner, Flathead Ridge Ranch, the Applicant shall submit a statement describing the proposed legitimate post-mining land use, subject to review by the DEQ.

Cumulative Impact Considerations	
General setting	The proposed project area features montane grasslands, conifer-dominated forest and woodland, and deciduous shrubland. Many roads and previously mined and reclaimed areas associated with forestry, exploration and mining activities are present within the analyzed area.
Past actions	Past actions in the area include forestry, grazing, mining, mining-related activities, and exploration for lode deposits periodically from the mid-1800's to the present. More recently, mining and exploration in the greater project area has been conducted by other entities, including Brixton USA Corporation under Exploration License No. 00826 and Operating Permit No. 00123 for the Hog Heaven Mine; and Flathead Ridge Ranch, LLC under Operating Permit No. 00204 for the Red Rock site.
Present actions	**Exploration:** Brixton USA Corporation holds Exploration License No. 00826, and previously authorized activities under this license remain active, with drilling and reclamation proceeding for all bonded disturbances. DEQ is currently reviewing an additional proposed action under Exploration License No. 00826, located in Section 16, Township 25 North, Range 23 West, which would authorize drilling up to 177,120 feet from as many as 27 drill holes located on 10 drill pads. **Mining:** No other Small Miner Exclusion, Exploration Licenses, or Operating Permits are active within the greater project area. **Other:** The area has been extensively grazed and previously logged. Many pre-existing logging roads are present on private land, including Crossover Road. Local traffic exists along the existing public roads, including Battle Butte Road and Montana Highway 2, between the proposed action's water source location in Hot Springs, MT, and the drilling area.
Related future actions	The Applicant may submit additional applications to amend the exploration license, which DEQ would review pursuant to the MMRA and rules adopted under the MMRA at that time. Any subsequent approvals would undergo a separate environmental review under MEPA.

Figure 1: General Project Location Map

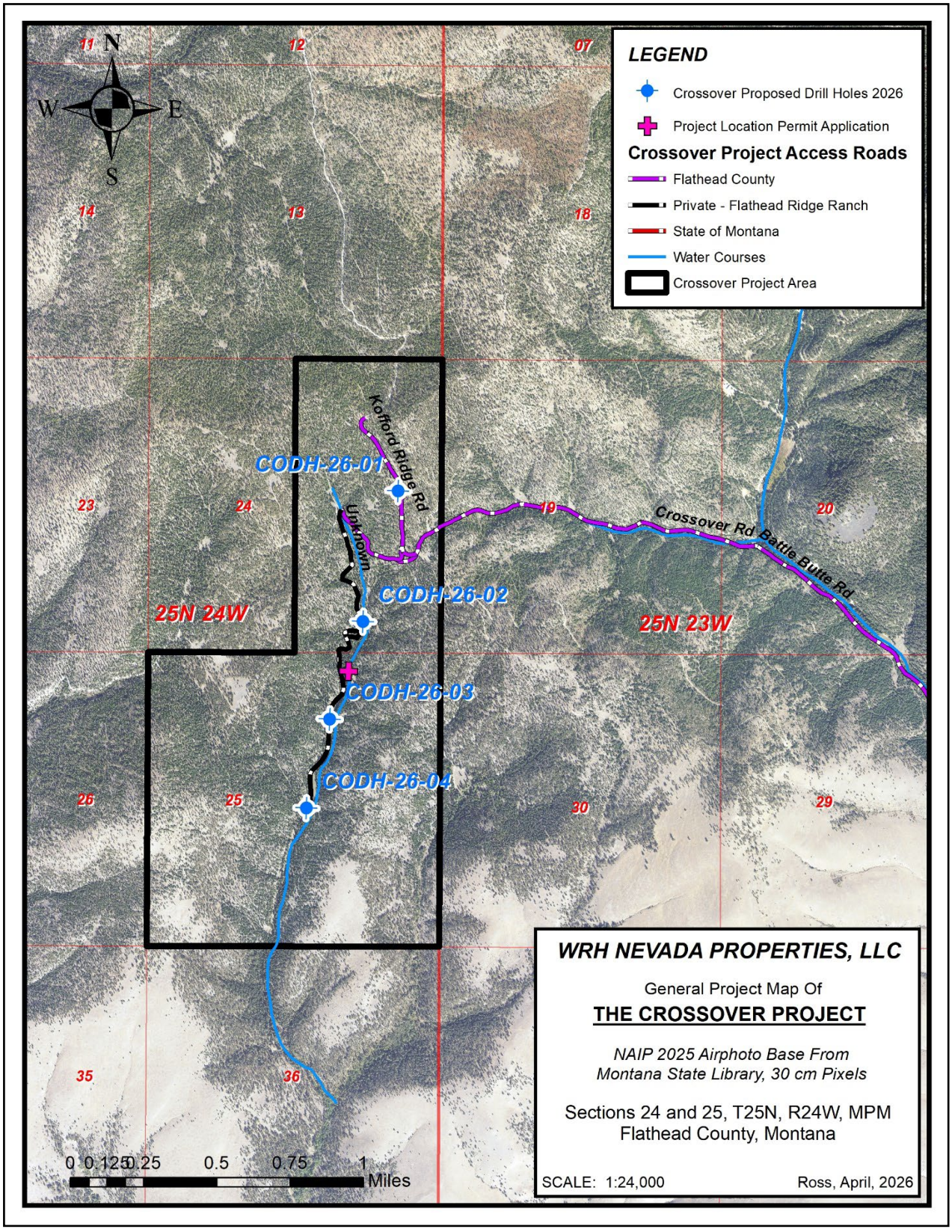


Figure 2: Map of Proposed Exploration Activities in Crossover Project Area (North)

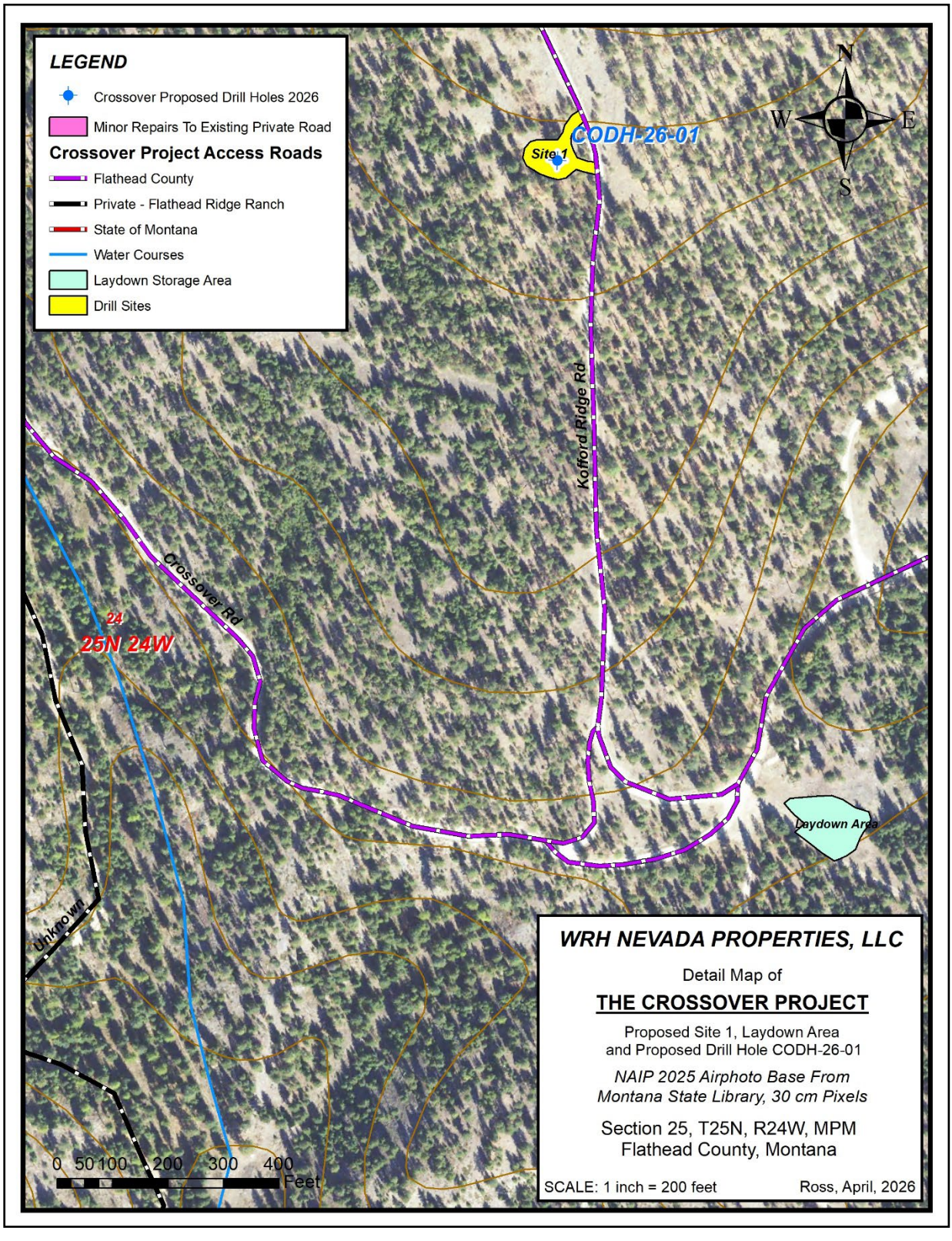


Figure 3: Map of Proposed Exploration Activities in Crossover Project Area (Central)

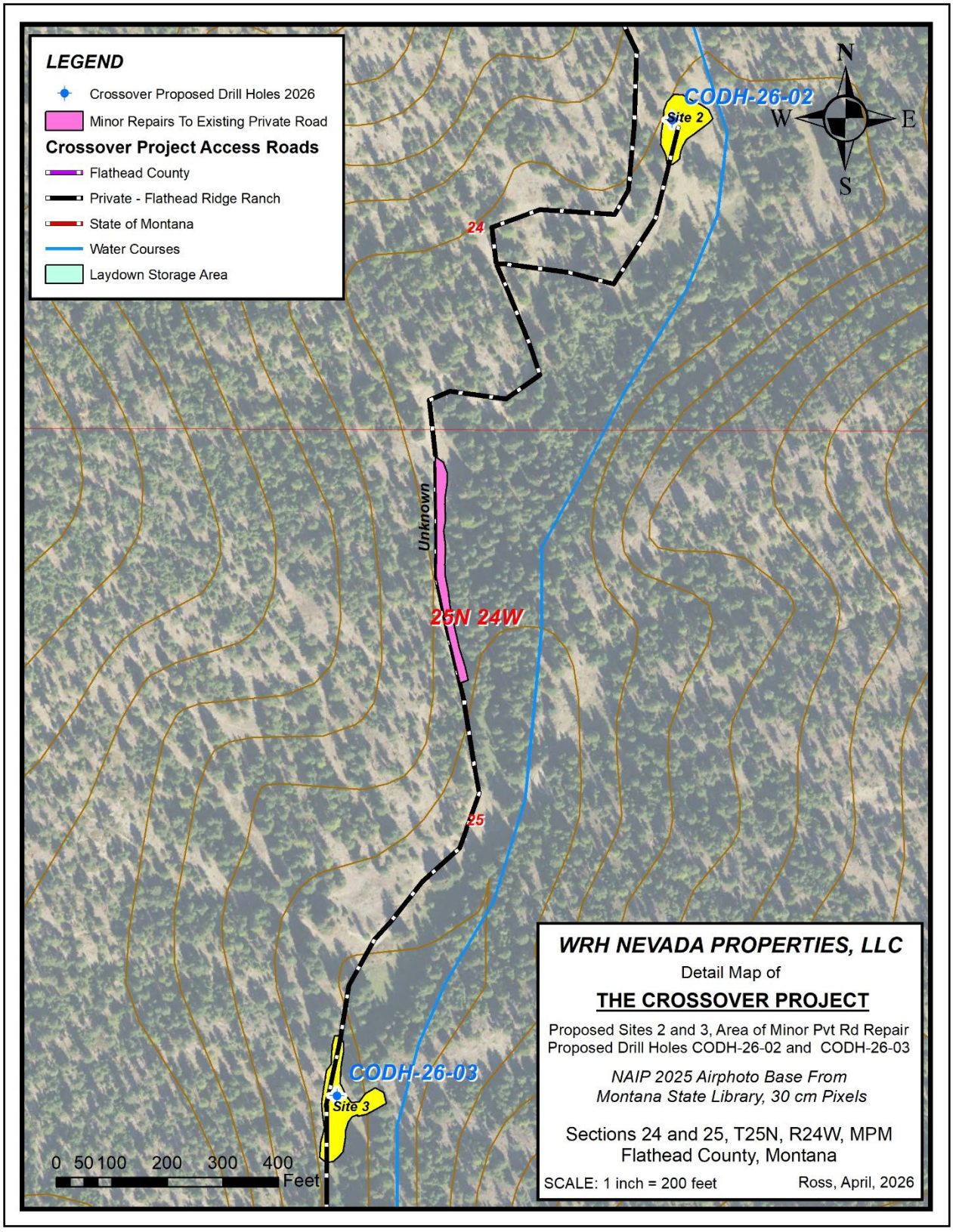
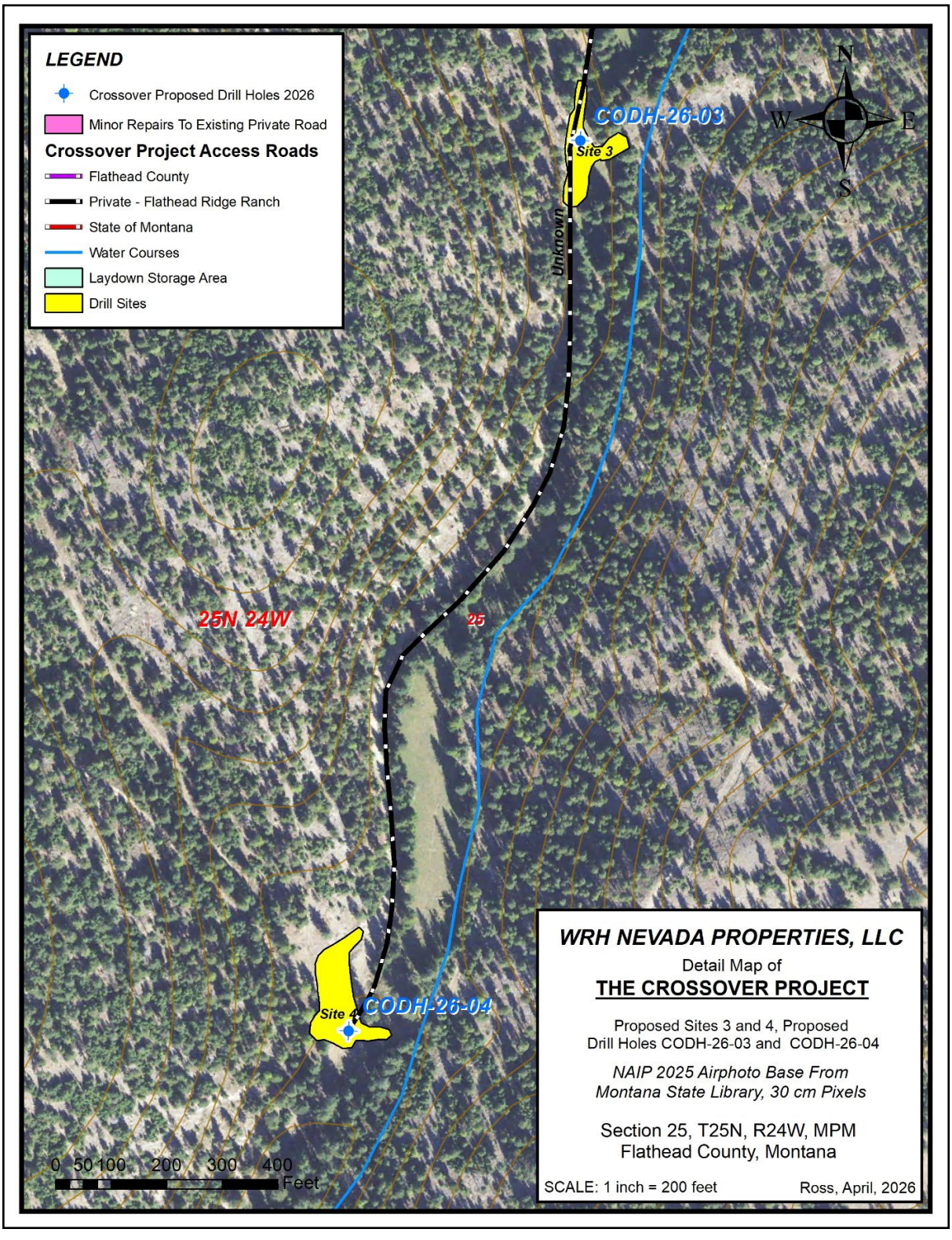


Figure 4: Map of Proposed Exploration Activities in Crossover Project Area (South)



SUMMARY OF POTENTIAL IMPACTS

The impact analysis will identify and estimate whether the impacts are direct or secondary impacts. Direct impacts occur at the same time and place as the action that causes the impact. Secondary impacts are a further impact to the human environment that may be stimulated, or induced by, or otherwise result from a direct impact of the action (ARM 17.4.603(18)). Where impacts would occur, the impacts will be described.

Cumulative impacts are the collective impacts on the human environment within the borders of Montana of the Proposed Action when considered in conjunction with other past and present actions related to the Proposed Action by location and generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures. The proposed actions identified in **Table 1** were analyzed as part of the cumulative impacts assessment for each resource.

1. Geology and Soil Quality, Stability, and Moisture

The proposed exploration area would be located on private lands approximately 40 miles northwest of Polson, in Flathead County, Montana, in a region not previously designated as a Mining District. It is adjacent to the historic Flathead Mine in the Hog Heaven Mining District, which has been extensively disturbed since the 1930s.

Hog Heaven Mining District

The Hog Heaven Mining District is underlain mainly by nearly flat-lying Belt Supergroup argillites of the Ravalli and Wallace formations, unconformably overlain in places by Pleistocene lake silts and clays, and intruded and covered by Tertiary volcanic rocks. The principal ore bodies occur in intrusive porphyritic latite near the Flathead Mine, where intense hydrothermal alteration produced silicified rocks hosting silver-lead mineralization formed at shallow depth during late Tertiary igneous activity. Silver ore float was first discovered near the present Flathead Mine in 1913, leading the Anaconda Copper Mining Company to sink an initial shaft, which was later abandoned. The ore body was rediscovered in 1928, which triggered renewed development and shipments of up to 20,000 tons of ore yielding about 500,000 ounces of silver, with associated lead and gold (Shenon and Taylor, 1936).

Soil Types

The proposed project area consists of 882 acres of soil with a slight erosion hazard rating for disturbances located off-road or off-trail, including Battlebutte-Bigdraw gravelly loams, moist, 8 to 30 percent slopes (557 acres). Soils with a slight erosion hazard rating indicate that erosion is unlikely under ordinary climatic conditions. The proposed project area also consists of 422 acres of soil with a moderate erosion hazard rating for disturbances located off-road or off-trail, including Winkler-Combest complex, on 8 to 35 percent slopes (157 acres). Soil with a moderate erosion hazard rating indicates that some erosion is likely and that erosion-control measures may be needed (Natural Resources Conservation Service, 2026).

The remainder of the soil types in the proposed project area include:

Combest gravelly ashy silt loam, 15 to 35 percent slopes (107 acres), Pashua gravelly loam, 8 to 30 percent slopes (94 acres), Pashua-Pashua, deep complex, 8 to 30 percent slopes (66 acres), Tevis gravelly loam, dry 15 to 35 percent slopes (53 acres), Meadowpass gravelly loam, 2 to 8 percent slopes (44 acres), Battlebutte-Bigdraw gravelly loams, moist, 30 to 60 percent slopes (40 acres), Mitten gravelly ashy silt loam, dry, 15 to 35 percent slopes (34 acres), Battlebutte-Bigdraw-Rock outcrop, welded tuff complex, 15 to 30 perecent slopes (34 acres), Battlebutte-Bigdraw gravelly loams, 15 to 30 percent slopes (33 acres), Bigarm gravelly loam, cool, 15 to 30 percent slopes (25 acres), Rumblecreek-Courville complex, dry, 4 to 15 percent slopes (20 acres), Lozeau gravelly loam, 8 to 30 percent slopes (16 acres), Pashua-Battlebutte, moist-rock outcrop, welded tuff complex, 30 to 60 percent slopes (13 acres), Finleypoint gravelly loam, moist, 15 to 30 percent slopes (8 acres), Mitten gravelly ashy silt loam, 15 to 35 percent slopes (4 acres), Bigarm gravelly loam, 8 to 15 percent slopes (1 acre).

No unusual or unstable geologic features are present, and no fragile or distinctly erosive, unstable soils are expected to be present.

The analysis area for geology and soils in the proposed project area and immediately surrounding landscape is in Flathead County, Montana (Table 1). The Applicant must comply with the applicable local, county, state, and federal requirements for erosion control and sediment transport. The Applicant proposes the use of compacted earthen berms, plastic liners, and spill prevention and response kits as best management practices (BMPs) to minimize erosion and sediment transport offsite.

Direct Impacts:

The proposed action would result in soil and rock displacement associated with the construction of drill pads, sumps and laydown areas, as described in Table 1. The Applicant proposes to construct 4 new drill pads, each with a maximum dimension of 220 feet by 150 feet. Each pad would include a single two-cell internal drill sump measuring approximately 20 feet by 20 feet and up to 6 feet deep, as well as a laydown area approximately 110 feet by 105 feet. Total new surface disturbance would be approximately 2.48 acres.

Maximum drill depths of any hole would not exceed 4,000 feet, with a combined total footage of no more than 14,500 feet. Subsurface materials would be removed during drilling; the volume of core and rock chip samples generated would be negligible compared to the volume of soil and rock displaced during surface excavation.

Secondary Impacts:

The proposed action could result in soil disturbance and minor subsequent erosion of disturbed soil, and sediment could be transported offsite via stormwater. Surface soil disturbance could allow for the establishment of weeds. Weed control during and after exploration activities is a requirement. Noxious weeds are further addressed in “Section 4. Vegetation Cover, Quantity, and Quality.”

Cumulative Impacts:

Cumulative impacts to soil stability from the proposed action, including increased potential for soil erosion and area instability, could impact soil stability from previous historic mining activities in the proposed project area. The additional disturbance of up to 2.48 acres, some on previously disturbed ground, with application of erosion-control BMPs and reclamation, is expected to make only a minor, short-term contribution to the cumulative effects on soil stability and geologic conditions and would not measurably change long-term geologic or soil stability characteristics in the proposed project area vicinity.

2. Water Quality, Quantity, and Distribution

Surface Water and Runoff:

The greater project area is located within a 1.41-square-mile sub-basin of the Mill Pocket Creek-Little Bitterroot River watershed. The drainage basin receives a mean annual precipitation of 19.24 inches (StreamStats, 2026). The project sub-basin contains an unnamed ephemeral drainage (USGS Hydrography). The closest proposed surface disturbance from drill pad CODH-26-03 is approximately 50-100 feet upgradient from the ephemeral stream.

The Crossover project area is adjacent to the following riparian classifications: 37 acres of riparian systems, comprised of forested (Rp1FO) and emergent lotic systems (Rp1EM) (MTNHP, 2026). No mapped wetlands are located within the immediate project area.

Groundwater: Drill Site Areas

Groundwater may be encountered during drilling operations as the deepest proposed drill hole may reach up to 4,000 feet from the surface; however, no static groundwater level data are available due to the lack of existing water wells within the immediate project area. In the absence of site-specific groundwater information in the drill site areas, the Applicant has not proposed any groundwater-specific control measures beyond standard regulatory requirements. If groundwater is intercepted, the Applicant must comply with the drill hole plugging rules detailed in ARM 17.24.106.

Groundwater: Water Supply Area

Water necessary for drilling operations would be sourced from the municipal water system located in Hot Springs, Montana, in Sections 3 and 4, Township 21 North, Range 24 West. The municipal system, which is available for bulk water purchases, is supplied by three existing wells, identified by the Groundwater Information Center (GWIC) Nos. 76182, 6154 and 6155. These three wells have a maximum total depth of 804 feet, an average static water level of 18 feet and an average yield of up to 263 gallons per minute. The Applicant proposes that approximately 16,000 gallons of water per day would be used during drilling operations and transported to the drill site by up to two 2,000-gallon water trucks which would require up to eight round trips per day combined. No new surface disturbance is proposed at the water supply location. Water associated with the proposed action would be used to cool and lubricate the drill bit, clean the bit-rock interface to optimize cutting performance, and carry drill cuttings out of the hole. Wet drilling also suppresses dust for safer working conditions for drilling personnel.

Direct Impacts:

Surface Water and Runoff:

Precipitation and surface water would generally be expected to infiltrate into the shallow subsurface and be retained within pore spaces in the unsaturated soil or vadose zone and potentially utilized by vegetation. Infiltrating runoff is not expected to reach the groundwater table in sufficient quantity to impact the aquifer or influence water quality beyond baseline conditions.

However, stormwater leaving the sites during heavy storms could carry sediment from the disturbed soils and non-sediment contaminants from drilling operations. To comply with ARM 17.24.105, the Applicant must confine drilling fluids as well as waste cuttings from drilling operations to the drill site using storage tanks, sumps, or dispose of the fluids or waste in accordance with an approved plan.

In the event a release of drilling fluid took place, it may be considered a violation of ARM 17.24.105. Practically, the drilling fluids would be handled similar to fuel or water release. The drilling fluids would be expected to act as a thin mud or paste with increased viscosity (i.e., decreased fluidity), and could be contained within the drill pad area by the erosion control and sediment transport BMPs. The Applicant proposes the use of compacted earthen berms, plastic liners, and secondary containment to minimize sediment transport off-site and minimize impacts to surface waters.

Groundwater: Drill Site Areas

The drilling and plugging processes are not expected to affect the groundwater quantity or quality or disturb other water users in the greater project area. The Applicant proposes drilling to a maximum depth of 4,000 feet from the surface. Except for potentially shallow drillholes, it is expected that groundwater would be encountered during drilling operations. However, the hydrologic setting (i.e., the distance between groundwater and the surface, in a transmissive unconfined aquifer) indicates that artesian flow would not be expected to occur from the drillholes, eliminating the potential impacts from uncontrolled flow of groundwater and groundwater-containing drilling fluids coming back up to the surface.

All exploration drill holes would be required to be reclaimed in accordance with ARM 17.24.106, which includes plugging with bentonite or a similar compound from the bottom of the hole to within five to ten feet of the surface, and with cement from the top of the bentonite to the surface. The proposed surface drilling activity, and the resulting drillholes prior to plugging, are unlikely to influence the elevation or the quality of groundwater.

Groundwater: Water Supply Area

The proposed activities at the water source include the withdraw of up to 16,000 gallons of water per day and filling a water transport truck to convey water from the source location to the drilling project area. Any water potentially spilled during transfer of fresh water from the municipal water source to the transport truck would have similar impacts to surface water runoff from a stormwater producing event, as described above. The transfer of water would be

controlled by piping and valving at the water source. The withdrawal of up to 16,000 gallons of water per day from the municipal water source, would represent similar demand for the well from other existing public uses and the aquifer that it accesses. The Applicant is required to comply with the applicable local, county, state, and federal requirements pertaining to water quality.

Secondary Impacts:

Storm water impacting the sites during a precipitation event would generally be expected to infiltrate into the subsurface, however, storm water leaving the sites could carry sediment from the disturbed soils and non-sediment contaminants from drilling operations. The Applicant proposes the use of compacted earthen berms, plastic liners, and spill prevention response kits as BMPs to minimize erosion and transport of sediment and non-sediment contaminants off-site.

Cumulative Impacts:

Cumulatively, the proposed exploration drilling could add a small, temporary increment of disturbance to a watershed already affected by recent logging and cattle-grazing operations in the water drainage basin. Because the proposed action would disturb only a limited area on or near previously disturbed ground, implement erosion and sediment-control BMPs, proposes to use drilling fluids managed in lined sumps, reclaim all drill holes in accordance with ARM 17.24.106, and obtain up to approximately 16,000 gallons per day of water from an existing municipal water system rather than develop new water sources, its contribution to cumulative impacts on surface-water and groundwater quality is expected to be minor.

3. Air Quality

The Flathead Reservation is the closest Class 1 Airshed to the proposed project area, less than one-mile due south. The immediate area complies with the National Ambient Air Quality Standards.

The Applicant proposes to reduce speed while traveling to minimize impacts to air quality. Wet drilling would suppress dust, improving working conditions for drilling personnel. The Applicant is required to obtain any other necessary permits related to air quality as required by state, local, and federal law.

Direct Impacts:

Dust particulates would be produced or become airborne during exploration and reclamation operations. Mechanized equipment would produce exhaust fumes. Dust would also be produced while traveling along existing roads to and from the proposed project area. The operator would be expected to maintain compliance with Montana's law regarding the need to take reasonable precautions to control airborne particulate matter.

Although the proposed action could result in fugitive dust and equipment exhaust, it would not be expected to impact the Flathead Reservation Class 1 Airshed due to the small scale of activity

Table 2. Montana Natural Heritage Project Environmental Summary- Species Occurrence and Potential Occurrence.

Documented	MT Status	Species Group	Common Name	Scientific Name	Habitat	Distribution	USFS	USFS_FLAT	BLM
Occurrences	PSOC	Birds	Cassin's Finch	Haemorhous cassinii	Drier conifer forest	Resident Year Round			
Occurrences	SOC	Birds	Lewis's Woodpecker	Melanerpes lewis	Riparian forest	Migratory Summer Breeder	SCC		SENSITIVE
Occurrences	SOC	Birds	Pileated Woodpecker	Dryocopus pileatus	Moist conifer forests	Resident Year Round			
Occurrences	SOC	Birds	Long-billed Curlew	Numenius americanus	Grasslands	Migratory Summer Breeder			SENSITIVE
Occurrences	SOC	Birds	Great Blue Heron	Ardea herodias	Riparian forest	Resident Year Round			
Occurrences	SOC	Fish	Westslope Cutthroat Trout	Oncorhynchus lewisi	Mountain streams, rivers, lakes	Resident Year Round	SENSITIVE; SCC		SENSITIVE
Occurrences	SOC	Mammals	Townsend's Big-eared Bat	Corynorhinus townsendii	Caves in forested habitats	Resident Year Round	SENSITIVE		SENSITIVE
Occurrences	SOC	Mammals	Long-legged Myotis	Myotis volans	Conifer forest	Resident Year Round			
Occurrences	SOC	Mammals	Grizzly Bear	Ursus arctos	Generalist	Resident Year Round			THREATENED
Occurrences	SOC	Mammals	Long-eared Myotis	Myotis evotis	Forest	Resident Year Round			
Occurrences	SOC	Mammals	Fisher	Pekania pennanti	Mixed conifer forests	Resident Year Round	SENSITIVE		SENSITIVE
Occurrences	SOC	Mammals	Yuma Myotis	Myotis yumanensis	Riparian and mixed forest	Resident Year Round			
Occurrences	SOC	Vascular Plants	Spalding's Catchfly	Silene spaldingii	Grasslands (Intermountain)	Present			

Documented	MT Status	Species Group	Common Name	Scientific Name	Habitat	Distribution	USFS	USFS_FLAT	BLM
Other Potential Species	PSOC	Amphibians	Rocky Mountain Tailed Frog	Ascaphus montanus	Mountain streams	Resident Year Round			
Other Potential Species	PSOC	Birds	Rufous Hummingbird	Selasphorus rufus	Riparian shrub	Migratory Summer Breeder			
Other Potential Species	PSOC	Birds	Great Gray Owl	Strix nebulosa	Conifer forest near open meadows	Resident Year Round			SENSITIVE
Other Potential Species	PSOC	Birds	Boreal Owl	Aegolius funereus	Conifer forest	Resident Year Round			
Other Potential Species	PSOC	Birds	Ovenbird	Seiurus aurocapilla	Deciduous forest	Migratory Summer Breeder			
Other Potential Species	PSOC	Birds	Tennessee Warbler	Leiothlypis peregrina	Forest wetland	Migratory Summer Breeder			
Other Potential Species	PSOC	Birds	Common Poorwill	Phalaenoptilus nuttallii	Shrub grassland	Migratory Summer Breeder			
Other Potential Species	PSOC	Invertebrates	Indiscriminate Cuckoo Bumble Bee	Bombus insularis	Alpine, montane meadows, shrubsteppe, prairie grassland	Resident Year Round			
Other Potential Species	PSOC	Mammals	North American Porcupine	Erethizon dorsatum	Mixed forest	Resident Year Round			
Other Potential Species	PSOC	Vascular Plants	Small-headed Tarweed	Madia minima	Vernally moist, often moss-covered, soil on impermeable bedrock in openings of coniferous forest	Present			
Other Potential Species	PSOC	Vascular Plants	Small Yellow Lady's-slipper	Cypripedium parviflorum	Fens, damp mossy woods, seepage areas, and moist forest-meadow ecotones	Present	SENSITIVE; SCC		
Other Potential Species	PSOC	Vascular Plants	Northern Toadflax	Geocaulon lividum	Moist spruce forests, often bordering wetlands	Present			
Other Potential Species	PSOC	Vascular Plants	Mountain Moonwort	Botrychium montanum	Forests (Mesic bottmlands)/Open sites	Present			
Other Potential Species	SOC	Amphibians	Western Toad	Anaxyrus boreas	Wetlands, floodplain pools	Resident Year Round	SENSITIVE		SENSITIVE
Other Potential Species	SOC	Birds	Evening Grosbeak	Coccothraustes vespertinus	Conifer forest	Resident Year Round			
Other Potential Species	SOC	Birds	Flammulated Owl	Psiloscops flammeolus	Dry conifer forest	Migratory Summer Breeder	SENSITIVE; SCC	SCC	SENSITIVE
Other Potential Species	SOC	Birds	Western Screech-Owl	Megascops kennicottii	Riparian forest	Resident Year Round			
Other Potential Species	SOC	Birds	Brown Creeper	Certhia americana	Moist conifer forests	Resident Year Round			
Other Potential Species	SOC	Birds	Black-backed Woodpecker	Picoides arcticus	Conifer forest burns	Resident Year Round	SENSITIVE		SENSITIVE
Other Potential Species	SOC	Birds	American Goshawk	Astur atricapillus	Mixed conifer forests	Resident Year Round			
Other Potential Species	SOC	Birds	Pacific Wren	Troglodytes pacificus	Moist conifer forests	Resident Year Round			
Other Potential Species	SOC	Birds	Varied Thrush	Ixoreus naevius	Moist conifer forests	Migratory Summer Breeder			
Other Potential Species	SOC	Birds	Veery	Catharus fuscescens	Riparian forest	Migratory Summer Breeder			SENSITIVE
Other Potential Species	SOC	Birds	Horned Grebe	Podiceps auritus	Wetlands	Migratory Summer Breeder			SENSITIVE
Other Potential Species	SOC	Birds	American Bittern	Botaurus lentiginosus	Wetlands	Migratory Summer Breeder			SENSITIVE
Other Potential Species	SOC	Birds	Brewer's Sparrow	Spizella breweri	Sagebrush	Migratory Summer Breeder			SENSITIVE
Other Potential Species	SOC	Birds	Yellow-billed Cuckoo	Coccyzus americanus	Prairie riparian forest	Migratory Rare Summer Breeder			THREATENED
Other Potential Species	SOC	Invertebrates	Western Bumble Bee	Bombus occidentalis	Urban, montane/steppe grassland and shrubland	Resident Year Round	SENSITIVE		SENSITIVE
Other Potential Species	SOC	Invertebrates	Suckley's Cuckoo Bumble Bee	Bombus suckleyi	Montane/steppe grassland and shrubland	Resident Year Round			
Other Potential Species	SOC	Invertebrates	Western Pearlshell	Margaritifera falcata	Mountain streams, rivers	Resident Year Round	SENSITIVE; SCC		SENSITIVE
Other Potential Species	SOC	Mammals	Western Pygmy Shrew	Sorex eximius	Open conifer forest, grasslands, and shrublands, often near water	Resident Year Round			
Other Potential Species	SOC	Mammals	Fringed Myotis	Myotis thysanodes	Riparian and dry mixed conifer forest	Resident Year Round			SENSITIVE
Other Potential Species	SOC	Mammals	Silver-haired Bat	Lasionycteris noctivagans	Riparian and forest	Resident Year Round			
Other Potential Species	SOC	Mammals	Northern Hoary Bat	Lasiurus cinereus	Riparian and forest	Migratory Summer Breeder			SENSITIVE
Other Potential Species	SOC	Mammals	Wolverine	Gulo gulo	Boreal Forest and Alpine Habitats	Resident Year Round	SENSITIVE		THREATENED
Other Potential Species	SOC	Mammals	Canada Lynx	Lynx canadensis	Subalpine conifer forest	Resident Year Round			THREATENED
Other Potential Species	SOC	Mammals	Little Brown Myotis	Myotis lucifugus	Generalist	Resident Year Round	SENSITIVE		
Other Potential Species	SOC	Mosses	Meesia Moss	Meesia triquetra	Fens, wetlands, and soil in wet woods	Present	SENSITIVE; SCC	SCC	
Other Potential Species	SOC	Mosses	A Scorpidium Moss	Scorpidium scorpioides	Exposed or submerged rocks in rivers and streams and saturated soils	Present	SENSITIVE; SCC	SCC	
Other Potential Species	SOC	Reptiles	Western Skink	Plestiodon skiltonianus	Open conifer forest and adjacent grasslands	Resident Year Round			
Other Potential Species	SOC	Reptiles	Northern Alligator Lizard	Elgaria coerulea	Talus slopes / rock outcrops	Resident Year Round			
Other Potential Species	SOC	Vascular Plants	Wavy Moonwort	Botrychium crenulatum	Various Mesic Sites	Present	SENSITIVE; SCC		
Other Potential Species	SOC	Vascular Plants	Flatleaf Bladderwort	Utricularia intermedia	Fens (Aquatic)	Present	SENSITIVE		

Other Potential Species	SOC	Vascular Plants	Least Moonwort	Botrychium simplex	Montane mesic meadows, grasslands, and disturbed sites	Present	SENSITIVE		
Other Potential Species	SOC	Vascular Plants	Tapertip Onion	Allium acuminatum	Dry Forest-Grassland	Present	SENSITIVE		
Other Potential Species	SOC	Vascular Plants	Peculiar Moonwort	Botrychium paradoxum	Meadows (Mesic Montane/Subalpine)	Present	SENSITIVE; SCC	SCC	SENSITIVE
Other Potential Species	SOC	Vascular Plants	Small-winged Sedge	Carex stenoptila	Grasslands (Montane)	Present			
Other Potential Species	SOC	Vascular Plants	Upward-lobed Moonwort	Botrychium ascendens	Various Mesic Sites	Present	SENSITIVE		
Other Potential Species	SOC	Vascular Plants	Stalked Moonwort	Botrychium pedunculosum	Forests (Mesic bottmlands)/Open sites	Present	SENSITIVE; SCC	SCC	
Other Potential Species	SOC	Vascular Plants	Scribner's Panic Grass	Dichanthelium oligosanthes var. scribnerianum	Mesic, sandy woodlands (low-elevation)	Present			
Other Potential Species	SOC	Vascular Plants	Northern Moonwort	Botrychium pinnatum	Wide variety of habitats, including wet grassy slopes, streambanks, roadsides, and mossy woods	Present	SENSITIVE		
Other Potential Species	SOC	Vascular Plants	Stalk-leaved Monkeyflower	Erythranthe ampliata	Vernally moist soil (Valleys to subalpine)	Present	SENSITIVE		
Other Potential Species	SOC	Vascular Plants	Giant Helleborine	Epipactis gigantea	Wetland/Riparian	Present	SENSITIVE; SCC	SCC	
Other Potential Species	SOC	Vascular Plants	Western Moonwort	Botrychium hesperium	Various Mesic Sites	Present			
Other Potential Species	SOC	Vascular Plants	Panic Grass	Dichanthelium acuminatum	Wet soils around edges of hot springs	Present			
Other Potential Species	SOC	Vascular Plants	Lanceleaf Moonwort	Botrychium lanceolatum	A variety of habitats, generally at high elevations	Present	SENSITIVE		
Other Potential Species	SOC	Vascular Plants	Clustered Lady's-slipper	Cypripedium fasciculatum	Forests (Montane)	Present	SENSITIVE; SCC	SCC	
Other Potential Species	SOC	Vascular Plants	Dwarf woolly-heads	Psilocarphus brevissimus	Wetland/Riparian	Present			
Other Potential Species	SOC	Vascular Plants	Tufted Club-rush	Trichophorum cespitosum	Fens and wet meadows	Present	SENSITIVE; SCC	SCC	
Other Potential Species	SOC	Vascular Plants	Crawe's Sedge	Carex crawei	Wetland/Riparian	Present			
Other Potential Species	SOC	Vascular Plants	Adder's Tongue	Ophioglossum pusillum	Fens, Wet meadows	Present			
Other Potential Species	SOC	Vascular Plants	Linearleaf Moonwort	Botrychium lineare	Various Mesic Sites	Present	SENSITIVE		
Other Potential Species	SOC	Vascular Plants	Beaked Spikerush	Eleocharis rostellata	Wetlands (Alkaline)	Present	SENSITIVE; SCC	SCC	
Other Potential Species	SOC	Vascular Plants	Slender Cottongrass	Eriophorum gracile	Fens	Present	SENSITIVE; SCC	SCC	
Other Potential Species	SOC	Vascular Plants	Spiny-spore Quillwort	Isoetes echinospora	Freshwater lakes	Present			

and distance between the proposed action and the airshed, in conjunction with implementation of BMPs.

Secondary Impacts:

No secondary impacts to air quality would be expected from the proposed action.

Cumulative Impacts:

No cumulative impacts on air quality would be expected from the proposed action. Cumulative impacts to air quality from the proposed action could add to impacts from existing traffic in the greater project area in the use of public and private roads in the vicinity of the proposed action.

4. Vegetation Cover, Quantity, and Quality

Land cover in the greater project area, mapped using the Montana Natural Heritage Program (MTNHP, 2026), varies and is predominantly classified as forest and woodland, grassland, human use, recently disturbed or modified, shrubland, steppe and savanna and wetland and riparian systems. These systems include Rocky Mountain Lower Montane, Foothill, and Valley grassland (5,016 acres); Rocky Mountain dry-mesic montane mixed conifer forest (3,481 acres); Rocky Mountain montane-foothill deciduous shrubland (341 acres); Rocky Mountain mesic montane mixed conifer forest (796 acres); other roads (129 acres); Rocky Mountain Ponderosa Pine woodland and savanna (188 acres); Rocky Mountain subalpine-montane mesic meadow (75 acres); harvested forest-grass regeneration (65 acres); harvested forest-tree regeneration (57 acres); Rocky Mountain Subalpine Mesic Spruce-Fir forest and woodland (26 acres); recently burned forest (13 acres); Northern Rocky Mountain lower montane riparian woodland and shrubland (20 acres); harvested forest-shrub regeneration (6 acres); Rocky Mountain Subalpine Dry-Mesic Spruce-Fir forest and woodland (6 acres); Alpine-Montane wet meadow (5 acres); insect-killed forest (4 acres); and Aspen forest and woodland (1 acre) (MTNHP, 2026).

A search of the MTNHP in the proposed project area identified vascular plant/lichen habitats and potential habitats for 25 Species of Concern (SOC) and 4 Species of Potential Concern (SPOC). The USFS Species of Conservation Concern in Forests search identified 11 vascular plant or lichen SOC and 9 vascular plants or lichen classified as sensitive. The BLM has classified 1 vascular plant as sensitive and zero as threatened.

Direct Impacts:

The vegetation cover as described above would be removed or disturbed within the approximately 2.48 acres of proposed surface disturbance. Exploration activities that could affect the vegetation cover, quantity, and quality include the grubbing, scraping, trampling, and removal of vegetative cover not already affected by previous actions to develop drill pads, drill sumps, and other proposed action disturbances related to exploration activities.

Secondary Impacts:

Land disturbance at the site may result in the propagation of noxious weeds. Any surface disturbances would be reclaimed and seeded with a weed-free seed mix. The project area would be subject to the 2017 Montana Noxious Weed Management Plan and any additional measures required by the Flathead County Weed Control Board. Weed control is a condition of an exploration license, and the Applicant would be required to minimize the spread of noxious weeds.

Cumulative Impacts:

Cumulative impacts on vegetation cover, quantity, and quality from the proposed action could add to existing impacts from existing roads and from previous logging and ranch operation activities within the proposed project area. Reclaimed areas are expected to re-establish cover comparable to surrounding disturbed lands.

5. Terrestrial, Avian, and Aquatic Life and Habitats

The project is not located within core, general or connectivity habitat for sage grouse. The proposed action has the potential to temporarily impact 2.48 acres of terrestrial, avian and/or aquatic habitat and temporarily displace species occurring within the proposed disturbance area. Common wildlife, such as birds, mammals, amphibians, and invertebrates, may utilize the project area and may be temporarily displaced while machinery and equipment are operating. Displaced wildlife would be expected to find other suitable habitats in the surrounding undeveloped area and return to the project area following completion of exploration and reclamation activities. See further discussion regarding the greater sage-grouse in “Section 6. Unique, Endangered, Fragile or Limited Environmental Resources”.

Direct Impacts:

Impacts on terrestrial, avian, and aquatic life and habitats may include increased ambient noise levels from the drilling equipment and temporary displacement in the project area. Impacts to noise levels are further discussed in “Section 8. Aesthetics.”

Wildlife could experience increased orientation or disorientation from additional illumination and be attracted to or repulsed by the increased light glare. This increased light could affect foraging, reproduction, communication, and other behaviors (Longcore and Rich, 2024). Any impact that could occur to terrestrial, avian, and aquatic life due to lighting impacts would last for the duration of low light activities under the proposed action.

DEQ received public comments expressing concern about the project’s impacts on thermal refuge within the project area. Direct impacts on terrestrial, avian, and aquatic life and habitats would include temporary, localized disturbance and displacement of wildlife due to noise, increased human activity, and vegetation removal associated with drill pad construction, drilling operations, and reclamation. The MTNHP Environmental Summary confirms that habitat within the project area is common throughout the larger ecosystem, and any displaced animal could find other suitable habitats in the surrounding undeveloped forest lands. The project would not

permanently eliminate habitat; all disturbed areas are required to be reclaimed to a stable, vegetated condition under ARM 17.24.107, which would restore functional habitat with the project footprint following completion of exploration.

Secondary Impacts:

No secondary impacts to terrestrial, avian, and aquatic life and habitats stimulated or induced by the direct impacts analyzed above would be expected. The water-protection, erosion-control, and spill-prevention and response measures are designed to prevent any water-quality or habitat changes that could trigger secondary biological responses in downstream systems. The project does not authorize activities-such as long-term flow alteration, persistent sediment loading, or toxic releases-that would secondarily degrade aquatic habitat or stimulate population-level effects on sensitive species.

Cumulative Impacts:

Cumulative impacts to terrestrial, avian, and aquatic life and habitats from the proposed action could add to existing impacts from logging and ranching operations in the area.

6. Unique, Endangered, Fragile, or Limited Environmental Resources

A search of MTNHP in the project area identified bird, invertebrate, fish, and mammal habitats and potential habitats for 37 SOC and 10 SOPC. The USFS Species of Conservation Concern in Forests search identified 11 species as sensitive. The BLM has classified 17 species as sensitive and 4 as threatened. Habitat for these species is common and not unique to the project area. The project is not located within core, general or connectivity habitat for sage grouse.

Habitat for all other species within the proposed project area is common throughout the larger ecosystem, and any displaced animal could find other suitable habitats in the surrounding undeveloped area and return to the project area after the proposed action's conclusion.

Direct Impacts:

Impacts to other unique, endangered, fragile, or limited environmental resources could include increased ambient noise levels from drilling operations and temporary displacement in the project area. Impacts to noise levels are further discussed in “Section 8. Aesthetics.” The proposed action is not proposing to disturb wetlands or riparian habitat.

DEQ received comments asserting that the project area contains unique, fragile, and limited environmental resources, including habitat for multiple species of special concern and limited riparian and wetland areas, and that the EA’s dismissal of cumulative impacts to these resources is insufficient. DEQ responds as follows.

The MTNHP Environmental Summary tool identifies 37 Species of Concern, 10 Species of Potential Concern, as well as 11 Forest Service sensitive species and 17 BLM sensitive species and 4 as threatened. Potential impacts to these unique or limited resources could include

increased ambient noise levels, temporary displacement of susceptible animals, and potential habitat disturbance within the approximately 2.48-acre disturbance footprint. However, the 2.48 acres of disturbance is small relative to the surrounding area that provides extensive suitable habitat. The proposed action would not impact wetlands or riparian habitat. The project's noise controls (reduced vehicle speeds, no large fixed facilities), air-quality measures, and concurrent reclamation are all intended to minimize the duration and extent of disturbance to sensitive species and their habitats.

Additionally, in response to public comments requesting wildlife consultation with Montana Fish, Wildlife and Parks, or the U.S. Fish and Wildlife Service, the DEQ responds as follows.

Section 75-1-201(1)(b), MCA, directs DEQ, prior to making any detailed statement, to "consult with and request the comments of any state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved." This requirement, however, is triggered when an agency determines that significant impacts would occur and thus is preparing an EIS. DEQ has not determined significant impacts would occur, including to wildlife, and therefore consultation obligations have not been triggered.

Moreover, DEQ received public comments particularly highlighting concerns regarding potential impacts to grizzly bears and Yellow-billed cuckoo. Based on available information, including the MTNHP grizzly bear habitat modeling report, these concerns appear overstated.

The project area is located within the Northern Continental Divide Ecosystem (NCDE), which supports an occupied population of grizzly bear. Although the species remains listed as threatened under the ESA and is managed by the U.S. Fish and Wildlife Service (USFWS), FWP considers the NCDE population to be biologically recovered based on established recovery criteria.

The project site and surrounding landscape provide both habitat and movement corridors for grizzly bears. Maintenance of habitat functionality, including landscape connectivity, is important to support ongoing population viability. The proposed exploration activities are limited in spatial and temporal extent, and would not result in new road construction or long-term increases in human access. Although the project area is located in a landscape that includes forestry activities, the limited scope and duration of the proposed activities are expected to allow continued grizzly bear use and movement through the area without significant disruption.

MTNHP developed inductive and deductive models to predict grizzly bear habitat suitability across species' presumed current range in Montana. The inductive model uses bear observations and statewide environmental data to predict the current distribution and relative suitability of general year-round habitat at large spatial scales, and model evaluation indicates that it adequately reflects grizzly bear distribution and relative habitat suitability across Montana at those scales. MTNHP specifically cautions that inductive model outputs are intended for landscape-level, regional planning and are not appropriate as the sole basis for site-specific decisions on small areas (e.g., areas smaller than one-quarter of a PLSS section), because mapped suitability at that scale may not reflect actual, on-the-ground habitat conditions. In the context of this project, the inductive model indicates that the broader region provides generally

suitable year-round habitat for grizzly bears, but it does not demonstrate that the 2.48-acre disturbance footprint itself constituted high-quality or limiting habitat.

The deductive model represents the ecological systems commonly and occasionally associated with grizzly bears year-round across their presumed range in Montana. MTNHP's evaluation notes that this deductive model tends to overpredict the amount of suitable habitat statewide and that, while performance is adequate within core areas such as the NCDE and Greater Yellowstone Ecosystem (GYE), habitat in northwest Montana is "not nearly as suitable as this model would suggest." In practical terms for this project, although some ecological systems mapped in the wider area are classified as commonly or occasionally associated with grizzly bears, the MTNHP evaluation indicates that these systems, in the northwest Montana setting where this project occurs, function as lower-suitability habitat relative to core grizzly bear areas. When this model context is combined with the relatively small (2.48 acres) surrounded by extensive, undeveloped forest lands, any displacement of grizzly bears associated with the proposed exploration is expected to be minor, short-term, and readily accommodated by the abundance of higher-quality habitat within the surrounding landscape.

Additionally, the MTNHP indicates that the Canada lynx, Yellow-billed cuckoo and North American wolverine, each listed as threatened under the ESA, are also known to occur within the greater project area. While suitable habitat for these species may be present in the general vicinity, the proposed action would not involve substantial vegetation removal, habitat fragmentation, or long-term changes to habitat conditions. The limited duration and small spatial footprint of the project would further minimize the potential for disturbance. The proposed action is not expected to significantly affect the ability of the surrounding habitat to support Canada lynx, Yellow-billed cuckoo or wolverine presence in the project area.

Secondary Impacts:

No secondary impacts to unique, endangered, fragile, or limited environmental resources that could be stimulated or induced by the direct impacts analyzed above would be expected.

Cumulative Impacts:

Cumulative impacts on other unique, endangered, fragile, or limited environmental resources from the proposed action could add to existing impacts from previous logging and ranching activities in the project area's immediate vicinity.

7. Historical and Archaeological Sites

The Montana Cultural Resource Database under the State Historic Preservation Office (SHPO) indicates that there are two inventoried and historical sites within the greater project area. The proposed exploration activities are located on private lands. SHPO recommends that any structure over fifty years of age be considered historic and potentially eligible for listing on the National Register of Historic Places, and any such sites be recorded, and determination of their eligibility be made prior to any disturbance taking place.

The Applicant proposes to not knowingly disturb, alter, injure or destroy any scientifically important paleontological deposits, or any historical or archeological site, structure, building, or

object. If the Applicant discovers any cultural or paleontological resource during exploration or reclamation activities, the Applicant proposes to leave the discovery intact and report the finding to SHPO and the landowner. The Applicant is required to comply with the applicable local, county, state, and federal requirements pertaining to cultural resources.

Direct Impacts:

Unidentified cultural or historic resources could be disturbed by exploration activities. No direct impacts on historical or archaeological sites would be expected from the proposed action.

Secondary Impacts:

No secondary impacts on historical or archaeological sites would be expected from the proposed action.

Cumulative Impacts:

No cumulative impacts on historical and archaeological resources would be expected from the proposed action.

8. Aesthetics

The proposed activities would occur on private lands. Portions of the proposed project area are located adjacent to public county and private roads throughout the greater project area, however, the area is sparsely populated, typical to the remote forest system setting in the adjacent lands. The project area would be visible to the public traveling along local county roads. There would be no permanent change to the topography or the viewshed. Noise associated with the proposed action may be heard where sound related to the proposed action has not been fully diminished by distance or another sound-dampening feature.

The Applicant proposes to perform two 12-hour shifts, 24 hours a day. One portable light plant (Table 1) would be deployed at the project area as necessary for low light operations, from approximately dusk to dawn, adjusted seasonally as necessary. Light pollution controls proposed include the use of downward-facing, directional lighting. Portable light towers are widely used on a variety of construction sites. The primary advantages of portable lights are their ability to be positioned at different sections within and across the work zone. The mounting heights typically range from six feet to a fully extended 30 feet and the light pole is usually rotatable 360 degrees. Other lighting systems used that could be used during operation would be lights on headlights from equipment and trucks (Nafakh, Davila, Zhang, et. Al, 2022).

Light impacts can be described in several forms. These forms of light impacts are described as spill light, glare, and sky glow. Spill light or stray light is the amount of light that leaves a specific site. Spill light can be controlled by taking measurement of vertical illuminance at the property boundary line or the edge of the road allowance (Nafakh, Davila, Zhang, et. al, 2022). Glare is the light that shines horizontally. Sky glow is a term that refers to the increased sky brightness caused by electric light scattering into the atmosphere, most notably from outdoor lighting in urban areas (Nafakh, Davila, Zhang, et. al, 2022).

Direct Impacts:

The proposed action would be temporarily visible to or heard by the sparsely populated surrounding area and to receptors located at observation points that are unobstructed by topography or forested vegetation. The sites would be visible from portions of county roads in the vicinity of the drill pads, sumps, and other disturbances. Aesthetic impacts from exploration and reclamation activities would include views of heavy equipment like the drill rig, excavations, passenger vehicles, and miscellaneous equipment related to drilling and reclamation. The light plant may be visible to receptors during low-light operations. Noise associated with the proposed action could be heard where sound related to the proposed action has not been fully diminished by distance or another sound dampening feature. Sources of noise could include the operation of heavy equipment, construction activities, and travel. Final reclamation would be required within 2 years of completion of the proposed action.

Secondary Impacts:

No secondary impacts to area aesthetics would be expected from the proposed work.

Cumulative Impacts:

Cumulatively, the proposed action would add a short-term increment of visible equipment, construction activity, lighting, and noise in the project area, within a landscape affected by travel and previous exploration logging and ranching activities. These visual and noise effects are expected to be minor and temporary, with final reclamation required within 2 years after exploration concludes.

9. Demands on Environmental Resources of Land, Water, Air, or Energy

Proposed action water would be supplied from the City of Hot Springs municipal water system, located in Sections 3 and 4, Township 21 North, Range 24 West. The municipal system, which is available for bulk water purchases, is supplied by three existing wells, identified by the Groundwater Information Center (GWIC) Nos. 76182, 6154 and 6155. These three wells have a maximum total depth of 804 feet, an average static water level of 18 feet and an average yield of up to 263 gallons per minute. The Applicant proposes that approximately 16,000 gallons of water per day would be used during drilling operations and transported to the drill site by up to two 2,000-gallon water trucks which would require up to eight round trips per day combined. No other local land, water, air, or energy resources would be used as part of this proposed action.

Direct Impacts:

The proposed action would consume up to 16,000 gallons of water resources per day during drilling activities. No direct impacts of land, air or energy are expected from this proposed action.

Secondary Impacts:

No secondary impacts to environmental resources of land, water, air, or energy would be expected.

Cumulative Impacts:

Cumulatively, the proposed action's use of up to 16,000 gallons of water per day of well water would add a small increment to existing demands on the water table, and is not expected to measurably affect overall water availability or water table capacity. No additional cumulative impacts on the environmental resources of land, air or energy are expected from the proposed action.

10. Impacts on Other Environmental Resources

DEQ searched the following websites or databases for nearby activities that may affect the proposed action, however no other projects were identified:

- Montana Department of Natural Resources and Conservation (DNRC)
- Montana Department of Environmental Quality (DEQ)
- Montana Department of Transportation (MDT)
- Flathead County
- United States Department of Interior, Bureau of Land Management (BLM)
- United States Forest Service (USFS)

Direct Impacts:

No direct impacts on other environmental resources would be expected from the proposed action.

Secondary Impacts:

No secondary impacts on other environmental resources would be expected from the proposed action.

Cumulative Impacts:

No cumulative impacts to other environmental resources would be expected from the proposed action.

11. Human Health and Safety

The Applicant would be required to adhere to all applicable state and federal safety laws. Industrial work such as the work proposed by the Applicant is inherently dangerous. The Occupational Safety and Health Administration (OSHA) has developed rules and guidelines to reduce the risks associated with this type of labor. The proposed action would be on private

land, and no members of the public may be in the project area during exploration and reclamation operations.

Direct Impacts:

Direct impacts to human health and safety to the Applicant's exploration staff could occur from this proposed action, however compliance with OSHA standards would substantially reduce risk. The inhalation of exhaust fumes and dust generated by equipment during exploration operations and reclamation would be minimized with proper personal protection equipment. Increases in operation-related traffic would likely occur. The daily traffic that would be leaving the site could vary greatly.

Secondary Impacts:

Fugitive dust that leaves the project area and is not dispersed by air movement could be deposited near the project area, which could cause irritation with varying degrees of severity to receptors who come into contact with that dust. ARM 17.8.308 would require the Applicant to take reasonable precautions to control airborne particulate matter.

Dust impacts from the proposed action would be minimized by implementing wet drilling and applying water to travel/working surfaces.

Cumulative Impacts:

No cumulative impacts on human health and safety would be expected from the proposed action.

12. Industrial, Commercial, and Agricultural Activities and Production

No other industrial, commercial, and agricultural activities are known to occur in the project area.

Direct Impacts:

No direct impacts to industrial, commercial and agricultural activities and production in the area would be expected from the proposed action.

Secondary Impacts:

No secondary impacts to industrial, commercial, and agricultural activities and production in the area would be expected from the proposed action.

Cumulative Impacts:

No cumulative impacts on the industrial, commercial, and agricultural activities and production in the area would be expected from the proposed action.

13. Quantity and Distribution of Employment

It is not anticipated that this proposed action would create, move, or eliminate jobs.

Direct Impacts:

Direct impacts on quantity and distribution of employment would not likely result from this proposed action. The proposed action plan calls for several limited-duration contracted and otherwise employed people at the site. No lasting positive or negative impacts to employment would be expected from this proposed action.

Secondary Impacts:

No secondary impacts to quantity and distribution of employment would be expected from the proposed action.

Cumulative Impacts:

No cumulative impacts on the quantity and distribution of employment would be expected from the proposed action.

14. Local and State Tax Base and Tax Revenues

The proposed action would have a limited increase in tax revenue related to the payroll taxes from the proposed action.

Direct Impacts:

Some positive, yet limited, benefit to the local and state economy could result from this proposed action. However, due to the nature of the project, minimal tax revenue from income, purchase of local goods and services, or expenses would be expected from this proposed action. The significance assessment is presented in Table 3.

Secondary Impacts:

No secondary impacts to local and state tax base and tax revenues would be expected from the proposed action.

Cumulative Impacts:

No cumulative impacts to local and state tax base and tax revenue would be expected from the proposed action.

15. Demand for Government Services

It is not anticipated that substantial traffic or services would be necessary as part of this proposed action. The proposed action would be located on private lands using private, county, and public access roads. Site access would rely on existing roads and private access roads to drill pad locations. All operations would be subject to local, seasonal restrictions as they apply.

Direct Impacts:

No direct impacts to the demand for government services would be expected from the proposed action. Impacts would not be expected on the demand for government services.

Secondary Impacts:

No secondary impacts to the demand for government services would be expected from the proposed action.

Cumulative Impacts:

No cumulative impacts to demand on government services would be expected from the proposed action.

16. Locally Adopted Environmental Plans and Goals

The proposed activities would occur on private lands. The project area would be subject to any plans or rules set forth by Flathead County, and the 2017 Montana Noxious Weed Management Plan.

Direct Impacts:

DEQ is not aware of any other locally-adopted environmental plans or goals that would impact this proposed action or the project area. Impacts from or to locally-adopted environmental plans and goals would not be expected as a result of this proposed action. The proposed exploration activities would occur on private lands.

Secondary Impacts:

No secondary impacts from or to locally adopted environmental plans and goals would be expected because of the proposed work.

Cumulative Impacts:

No cumulative impacts from or to locally adopted environmental plans and goals would be expected from the proposed action.

17. Access to and Quality of Recreational and Wilderness Activities

The proposed exploration activities would occur on private lands. There are recreational opportunities for the general public near the project area, although there are no maintained formal access points to recreational opportunities on lands within or adjacent to the project area.

Direct Impacts:

The proposed action would occur on private lands. No impacts to the access of recreational activities are expected. A commonly desired quality of public lands used by recreationists is the isolation and distance from human activity. The quality of recreational activities within the immediately surrounding lands could be impacted similarly in scale, quality, and duration as the impacts described in Section 8. “Aesthetics”.

Secondary Impacts:

No secondary impacts to the access and quality of recreational opportunities would be expected from the proposed action.

Cumulative Impacts:

No cumulative impacts to the access or quality of recreational opportunities would be expected from the proposed action.

18. Density and Distribution of Population and Housing

Flathead County had a population of approximately 104,357 people as of the census conducted by the United States Census Bureau in 2020.

Direct Impacts:

Due to the short-term project duration and the temporary nature of the activity, no impact to population density and housing would be expected from this proposed action.

Secondary Impacts:

No secondary impacts to population density and housing would be expected from the proposed action.

Cumulative Impacts:

No cumulative impacts to population density and housing would be expected from the proposed action.

19. Social Structures and Mores

It is not anticipated that this proposed action would disrupt native or traditional lifestyles or communities.

Direct Impacts:

No direct impacts on social structures and mores would be expected from the proposed action.

Secondary Impacts:

No secondary impacts on social structures and mores would be expected from the proposed action.

Cumulative Impacts:

No cumulative impacts to social structures and mores would be expected from the proposed action.

20. Cultural Uniqueness and Diversity

It is not anticipated that this proposed action would cause a shift in some unique quality of the area.

Direct Impacts:

No direct impacts to cultural uniqueness and diversity would be expected from the proposed action.

Secondary Impacts:

No secondary impacts to cultural uniqueness and diversity would be expected from the proposed action.

Cumulative Impacts:

No cumulative impacts to cultural uniqueness and diversity would be expected from the proposed action.

21. Private Property Impacts

The proposed action would take place on private lands. DEQ's approval of AMD1 to Exploration License No. 00906, with conditions, would not affect the Applicant's real property. DEQ has determined, however, that the permit conditions are reasonably necessary to ensure compliance with applicable requirements under the Metal Mine Reclamation Act and demonstrate compliance with those requirements or have been agreed to by the Applicant. Further, if the application is complete, DEQ must take action on the permit pursuant to ARM 17.24.119. DEQ, therefore, does not have discretion to take alternative action that would have less impact on

private property. Therefore, DEQ's approval of an amendment to License No. 00906 would not have private property-taking or damaging implications.

Montana's Private Property Assessment Act, Section 2-10-101, et seq., MCA establishes an orderly and consistent internal management process for state agencies to evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions, as those clauses are interpreted and applied by the United States and Montana Supreme Courts.

Section 2-10-104, MCA required Montana's Attorney General to develop guidelines, including a checklist, to assist state agencies in identifying and evaluating proposed agency actions that may result in the taking or damaging of private property. In turn, Section 2-10-105(1) and (2), MCA set out a process for each State Agency to evaluate whether a State action may result in an unconstitutional taking of private property. Those provisions direct that:

A. Each state agency shall assign a qualified person or persons in the state agency the duty and authority to ensure that the state agency complies with this part. Each state agency action with taking or damaging implications must be submitted to that person or persons for review and completion of an impact assessment. The state agency may not take the action unless the review and impact assessment have been completed, except that the action with taking or damaging implications may be taken before the review and impact assessment are completed if necessary to avoid an immediate threat to public health or safety.
B. Using the attorney general's guidelines and checklist, the person shall prepare a taking or damaging impact assessment for each state agency action with taking or damaging implications that includes an analysis of at least the following:

    i. the likelihood that a state or federal court would hold that the action is a taking or damaging;

    ii. alternatives to the action that would fulfill the agency's statutory obligations and at the same time reduce the risk for a taking or damaging; and

    iii. the estimated cost of any financial compensation by the state agency to one or more persons that might be caused by the action and the source for payment of the compensation.

DEQ has utilized the Montana Attorney General's Checklist and analytical Flowchart revised in January 2011 to evaluate the legal impact to property rights resulting from the proposed action. These flowchart questions have been applied by DEQ to the proposed project area, which takes place on private land owned by the Applicant, as follows:

- Does the action pertain to land or water management or environmental regulation affecting private real property or water rights? Answer: Yes.
- Does the action result in either a permanent or indefinite physical occupation of private property? Answer: No.
- Does the action deprive the owner of all economically beneficial use of the property? Answer: No.

- Does the action require a property owner to dedicate a portion of property or to grant an easement? Answer: No.
- Does the action deny a fundamental attribute of ownership? Answer: No.
- Does the action have a severe impact on the value of the property? Answer: No.
- Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? Answer: No.

Given the results from the legal flowchart questions, DEQ has determined that the permit conditions are reasonably necessary to ensure and demonstrate compliance with applicable requirements of the Metal Mine Reclamation Act, Section 82-4-301, et seq., MCA, and have been sought by the Applicant. Therefore, no taking or damaging of private property rights will occur because of DEQ's approval of the Permit Application.

22. Other Appropriate Social and Economic Circumstances

Due to the nature of the proposed exploration activities and the limited project duration, no further direct or secondary impacts would be anticipated from this proposed action.

23. Greenhouse Gas Analysis

When greenhouse gases (GHGs) are emitted by any source, they become well-mixed globally due to their long lifetimes in the atmosphere (i.e., tens of years for methane to thousands of years for carbon dioxide) and atmospheric mixing, primarily driven by differential heating and synoptic-scale weather patterns, which distribute the gases throughout the planet, leading to a relatively uniform concentration of these gases across the globe. In general, GHG emissions from sources that are not considered a fossil-fuel activity, as defined by § 75-1-220, MCA, contribute to an overall negligible increase of GHG concentrations in the global atmosphere, not local airsheds, causing a marginal global greenhouse effect (i.e., solar energy trapped in the earth's atmosphere from GHGs, resulting in higher average surface temperatures). Localized industrial source GHG emissions do not have direct impacts on climate, public health and associated impacts to the environment on a local or statewide scale.

DEQ is required to evaluate GHG emissions for statutorily defined fossil fuel activities. 2025 Mont. Laws ch. 348, § 1. However, this exploration activity is excluded from the definition of fossil fuel activities and therefore a GHG assessment is not mandatory. *Id.*, § 4(7)(b)(iii). Instead, to determine if a GHG assessment is needed, DEQ applies the normal MEPA standard of whether GHG emission impacts are potentially significant because of a proposed action, in this case exploration activities. ARM 17.4.609(3)(d)-(e).

DEQ concludes that the authorization of exploration activities pursuant to 82-4-332, MCA, would likely have negligible effect on increased GHG entering the atmosphere, and therefore any additional assessment of GHG is not necessary for purposes of this EA.

PROPOSED ACTION ALTERNATIVES

In addition to the proposed action, DEQ also considered the "no action" alternative. The "no action" alternative would deny the approval of the proposed Exploration License No. 00906. The Applicant would lack the authority to explore minerals on private lands. Any potential impacts authorized under

Exploration License No. 00906 would not occur. However, DEQ does not consider the “no action” alternative appropriate because the Applicant has demonstrated compliance with all applicable rules and regulations as required for approval. The no-action alternative forms the baseline from which the proposed action's impacts can be measured.

CONSULTATION

DEQ engaged in internal and external efforts to identify substantive issues and/or concerns related to the proposed action. Internal scoping consisted of internal review of the environmental assessment document by DEQ staff.

External scoping efforts also included queries to the following websites/databases/personnel:

- Montana State Historic Preservation Office (SHPO)
- Montana Department of Natural Resources and Conservation (DNRC)
- Montana Department of Environmental Quality (DEQ)
- Montana Department of Transportation (MDT)
- Flathead County
- US Geological Society - Stream Stats (USGS)
- Montana Natural Heritage Program (MTNHP)
- Montana Cadastral Mapping Program
- Montana Groundwater Information Center (GWIC)
- Montana Bureau of Mines and Geology (MBMG)
- United States Environmental Protection Agency (EPA)
- United States Department of Interior, Bureau of Land Management (BLM)
- United States Forest Service (USFS)

PUBLIC INVOLVEMENT

Under MEPA, an agency is responsible for providing opportunities for public review consistent with the seriousness and complexity of the environmental issues associated with the proposed action and the level of public interest. For purposes of this proposed action, the method of accomplishing public review include publishing a news release or legal notice to announce the availability of an EA, summarizing its content and soliciting public comment, and distributing copies of the draft EA for review and comment. Any public comment received for this EA will be summarized below.

The Draft EA was initially posted to the DEQ website for public comment between August 13, 2026, and August 28, 2026, and extended to September 11, 2026, in response to a request for an extension of the comment period. The Final EA will be available on the DEQ website.

OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION

The proposed action would be located on private lands. All applicable state and federal rules must be adhered to, which, at some level, may also include other state, federal, or tribal agency jurisdiction.

This environmental review analyzes the proposed action submitted by the Applicant. Any impacts from the action would be short-term and would be fully reclaimed at the conclusion of the proposed action,

and thus, would not contribute to the long-term cumulative effects of mining in the area. No other DNRC, BLM, or USFS-regulated projects were identified in the immediate project vicinity.

NEED FOR FURTHER ANALYSIS AND SIGNIFICANCE OF POTENTIAL IMPACTS

When determining whether the preparation of an environmental impact statement is needed, DEQ is required to consider the seven significance criteria set forth in ARM 17.4.608, which are as follows:

1. The severity, duration, geographic extent, and frequency of the occurrence of the impact;
2. The probability that the impact will occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur;
3. Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts;
4. The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values;
5. The importance to the state and to society of each environmental resource or value that would be affected;
6. Any precedent that would be set as a result of an impact of the proposed action that would commit the department to future actions with significant impacts or a decision in principle about such future actions; and
7. Potential conflict with local, state, or federal laws, requirements, or formal plans.

The severity, duration, geographic extent, and frequency of the occurrence of the impacts associated with the proposed exploration activities would be limited. The applicant proposes this action to assess the commercial potential of an ore deposit through exploration drilling. The plan includes the construction of drill sites and associated access roads to support the drilling program.

As described in this EA, the proposed action would authorize additional surface and underground exploration activities that would disturb up to approximately 2.48 acres, on private lands.

The EA analysis indicates that, with implementation of applicable BMPs and compliance with applicable federal, state, and local requirements, the remaining impacts on Montana's environment of the proposed action would be low to moderate in intensity, localized in extent, and short term in duration. Applicable BMPs are described throughout the EA in applicable resource sections and Table 1 and 2.

BMPs to minimize erosion, sediment movement, and water resource impacts include: the use of plastic liners, compacted earthen berms and spill prevention and response kits. Additionally, where possible, reclamation would include returning disturbed ground to the original slope, covering the area with stockpiled topsoil, and seeding with an approved seed mix. Spot pulling and application of a broadleaf post-emergent herbicide would be used to control the spread of noxious weeds.

BMPs to minimize impacts on air quality include requiring all vehicles to travel at reduced speeds.

Further, reclamation of disturbed lands to comparable utility and stability as adjacent undisturbed land would minimize impacts to wildlife and habitats.

Geology/soils, water, and air resources would experience small, temporary increments of additional disturbance and emissions with an area already substantially affected by previous logging and ranching activities. Reclamation is required within two years after exploration is complete. The proposed action would use an existing water source (up to 16,000 gallons per day) rather than construct new groundwater withdrawals and would plug exploration drill holes in accordance with ARM 17.24.106.

For social and economic resources, the EA concludes that the proposed action would have only limited, short term positive effects on local employment and tax revenues, would not displace existing industrial, commercial, or agricultural activities, and would be generally consistent with the long standing mixed logging and ranching character of the project area. The limited impacts on employment, tax base, housing, neighborhood character, and demand for government services are not expected to result in substantial growth inducing or growth inhibiting effects or conflicts with locally adopted plans, goals, or regulations under ARM 17.4.608. The EA also finds that the proposed action would not result in substantial changes to social structures, cultural uniqueness and diversity, or private property impacts, and would not conflict with local, state, or federal laws, requirements, or formal plans.

Approval of the proposed action does not set any precedent that commits DEQ to future actions with significant impacts or a decision in principle about such future actions. If the Applicant submits additional license, amendment, or operating permit applications to conduct further exploration or mining, DEQ would conduct a separate permitting and environmental review process and make a permitting decision based on the criteria set forth in the MMRA and applicable MEPA requirements.

Issuance of this amendment does not predetermine the level of environmental review for any future proposals; that determination would be made on a case specific basis using the criteria in ARM 17.4.608.

Based on consideration of the criteria set forth in ARM 17.4.608, and the analysis presented in this EA, DEQ has determined that the proposed action, AMD1 to Exploration License No. 00906, is not expected to significantly impact the quality of Montana's environment. Preparation of an EA is therefore the appropriate level of environmental review under MEPA, and an EIS is not required for this action.

Table 3: Assessment of Significance (ARM 17.4.608)

Affected Resource and Section Reference	Potential Impact	Severity[1], Extent[2], Duration[3], Frequency[4], Uniqueness and Fragility (U/F)	Probability impact will occur[5]	Cumulative impacts	Measures to reduce impact as proposed by Applicant	Significance (yes/no)
1. Geology and Soil Quality, Stability, and Moisture	A. Displacement/excavation of rock and soil, and drilling. B. Erosion of disturbed soil and weed propagation	**A. Severity-Medium:** Of the 2.48 acres of ground that would be disturbed, all disturbance aside from the construction of the drill pads would result in the displacement and movement of rock and soil. Drill cuttings/core and samples would be removed. **Extent-Small:** Total surface area susceptible to displacement would be 2.48 acres. Up to 14,500 linear feet of core would be removed. **Duration- Short Term:** Up to 2 years after completion or abandonment of exploration activities plus growing seasons. **Frequency:** Daily **Unique/Fragile:** Not unique or particularly fragile. **B. Severity-Medium:** Of the 2.48 acres of ground that would be disturbed, all disturbance would be susceptible to erosion and propagation of weeds. **Extent-Small:** Total surface disturbance susceptible to erosion and weed propagation would be 2.48 acres. **Duration- Short Term:** Up to 2 years after completion or abandonment of exploration activities plus growing seasons. **Frequency:** During occasional storm events. **Unique/Fragile:** Not unique or particularly fragile.	A. Certain B. Possible	Erosion could add to cumulative impacts associated with potential erosion on existing roads, and from previous logging and ranching activities within the proposed project area.	The Applicant proposes the use of: • Compacted earthen berms; • Plastic liners; and • Spill prevention and response kits as best management practices (BMPs) to minimize erosion and sediment transport off-site. - Reclamation and seeding would be performed immediately after the conclusion of exploration operations. Weed control is further discussed in “Section 4. Vegetation Cover, Quantity, and Quality”.	No
2. Water Quality, Quantity, and Distribution	Erosion of disturbed soil into waterways, intercepting the groundwater table in the project area, and 16,000 gallons per day withdrawal at the proposed action water source.	**Severity-Low:** Of the 2.48 acres of ground that would be disturbed, all disturbance would be susceptible to erosion. The maximum depth proposed is 4,000 feet from the surface, which would intercept the water table. Up to 16,000 gallons per day would be consumed during drilling operations **Extent-Small:** Total surface disturbance susceptible to erosion would be 2.48 acres. **Duration- Short Term:** Up to 2 years after completion or abandonment of exploration activities plus growing seasons and during drilling activities. **Frequency:** During occasional storm events, and during general drilling operations. **Unique/Fragile:** Not unique or particularly fragile.	Possible	Erosion could add to cumulative impacts associated with potential erosion on existing roads, and from previous logging and ranching activities within the project area. Proposed water withdrawals at the proposed action water source could add to the cumulative impacts to the aquifer by nearby water users.	The Applicant proposes the use of the above BMPs to minimize erosion and sediment transport off-site. -Drilling could intercept the groundwater table. The Applicant is required to reclaim drill holes in accordance with ARM 17.24.106. - Reclamation and seeding would be performed immediately after the conclusion of exploration operations.	No
3. Air Quality	Erosion of disturbed soil/windblown emissions, e.g., equipment exhaust	**Severity-High:** Dust and other particulates would be generated during exploration operations and while driving on and off-site. Mechanized equipment would produce exhaust fumes. **Extent-Small:** Dust and exhaust fumes would be generated near moving/working equipment. **Duration- Short Term:** Up to 2 years after completion or abandonment of exploration activities plus growing seasons. **Frequency-Daily:** During exploration and reclamation operations.	Certain	Dust and exhaust generated from this proposed action would temporarily add to the cumulative impacts from the other vehicles and engines operating in the area and to general recreational activities in the greater project	The Applicant proposes the use of; • reduced speed while traveling as BMPs to minimize the impacts to air quality.	No

Affected Resource and Section Reference	Potential Impact	Severity[1], Extent[2], Duration[3], Frequency[4], Uniqueness and Fragility (U/F)	Probability impact will occur[5]	Cumulative impacts	Measures to reduce impact as proposed by Applicant	Significance (yes/no)
		Unique/Fragile: Not unique or particularly fragile.		area in the use of public lands near the proposed action.		
4. Vegetation Cover, Quantity, and Quality	A. Displacement of vegetation B. Weed propagation associated with surface disturbance	**Severity-Medium:** The 2.48 acres of disturbance would be subject to the displacement of vegetation and the potential to propagate weeds. **Extent-Small:** Total surface disturbance subject to the displacement of vegetation and the potential to propagate weeds would be 2.48 acres. **Duration-Short Term:** Up to 2 years after completion or abandonment of exploration activities plus growing seasons. **Frequency-Twice:** After exploration and after reclamation activities. **Unique/Fragile:** Not unique or particularly fragile.	A. Certain B. Probable	The displacement of vegetation would add to cumulative impacts from previous logging and ranching activities within the project area. Weed propagation generated from the proposed action would temporarily add to the cumulative impacts in other areas where weeds already exist within and near the proposed action area.	- Any ground disturbed by exploration activities would be seeded with an approved seed mix. - Weed control measures proposed by the Applicant include spot-pulling of weeds and application of post-emergent broadleaf herbicide.	No
5. Terrestrial, Avian, and Aquatic Life and Habitats	Increased ambient noise and the displacement of animals	**Severity-Low:** 2.48 acres of disturbance and associated activities would cause temporary animal displacement from the project area. **Extent-Small:** Increased ambient noise would impact animals where sound has not been obstructed by topography or forested vegetation. Any displaced animal could find other suitable habitats nearby and return to the project area shortly after the proposed action's conclusion. **Duration-Short Term:** Reclamation would be required within 2 years after completion or abandonment of exploration activities plus growing seasons. **Frequency-Daily**: During exploration and reclamation activities. **Unique/Fragile:** Not unique or particularly fragile.	Probable	No cumulative impacts to terrestrial, Avian, and Aquatic Life and Habitats would be expected.	None	No
6. Unique, Endangered, Fragile, or Limited Environmental Resources	Displacement of unique or endangered animals	**Severity-Low:** 2.48 acres of disturbance would cause temporary animal displacement from the project area. **Extent-Small:** Increased ambient noise would impact animals where sound has not been obstructed by topography or forested vegetation. Any displaced animal could find other suitable habitats nearby and return to the project area shortly after the proposed action's conclusion. **Duration-Short Term:** Reclamation would be required within 2 years after completion or abandonment of exploration activities plus growing seasons. **Frequency-Daily:** During exploration and reclamation activities. **Unique/Fragile:** Not unique or particularly fragile.	Possible	No cumulative impacts to unique, endangered, fragile, or limited environmental resources would be expected.	None	No
7. Historical and Archaeological Sites	No anticipated impacts	N/A	N/A	N/A	N/A	No
8. Aesthetics	Proposed action visibility and noise	**Severity-Medium:** Receptors would view heavy equipment, equipment related to drilling, and equipment transportation. Receptors could observe light during low-light operations from the	Certain	Impacts to area aesthetics generated from this proposed action could temporarily add to the cumulative impacts associated with	The following BMPs are proposed to minimize light pollution:	No

Affected Resource and Section Reference	Potential Impact	Severity[1], Extent[2], Duration[3], Frequency[4], Uniqueness and Fragility (U/F)	Probability impact will occur[5]	Cumulative impacts	Measures to reduce impact as proposed by Applicant	Significance (yes/no)
		light plant in use. Receptors would hear noise from sources including operation of heavy equipment, construction, and travel. **Extent-Small:** The noise and visual impacts would be visible to receptors from observation points unobstructed by topography or forested lands. Noise may be heard by receptors located in an area where sound related to the proposed action has not been fully diminished. **Duration-Short Term:** Reclamation would be required within 2 years after completion or abandonment of exploration activities plus growing seasons. **Frequency- Daily:** During exploration and reclamation activities. **Unique/Fragile:** Not unique or particularly fragile.		travel and previous exploration activities conducted in the area.	• directional and downward facing lights	
9. Demands on Environmental Resources of Land, Water, Air, or Energy	Water usage	**Severity-Low:** The proposed action would utilize up to 16,000-gallons of water per day during exploration operations. **Extent-Small:** The water would be sourced from a pre-existing water supply. **Duration-Short Term:** Water would be consumed during drilling operations and would cease upon the conclusion of operations. **Frequency- Daily:** During exploration and reclamation activities. **Unique/Fragile**-Not unique or particularly fragile.	Certain	Consumption of up to 16,000 gallons of water per day could temporarily add to the cumulative impacts associated with other water use in the area.	None	No
10. Impacts on Other Environmental Resources	No anticipated impacts	N/A	N/A	N/A	N/A	No
11. Human Health and Safety	Possible respiration, ingestion, or contract with dust	**Severity-Low:** Only exploration staff would be in the immediate vicinity during exploration activities. **Extent-Small:** Within the immediate area of operating equipment. **Duration-Short Term:** Respiration of exhaust fumes and the ingestion of dust produced by heavy equipment would only be during exploration or reclamation activities. Reclamation would be required within 2 years after completion or abandonment of exploration activities, plus growing seasons. **Frequency- Daily:** During exploration and reclamation activities. **Unique/Fragile**- Not unique or particularly fragile.	Unlikely	No cumulative impacts on human health and safety would be expected from the proposed action.	None	No
12. Industrial, Commercial, and Agricultural Activities and Production	No anticipated impacts	N/A	N/A	N/A	N/A	No
13. Quantity and Distribution of Employment	No anticipated impacts	N/A	N/A	N/A	N/A	No
14. Local and State Tax Base and Tax Revenues	Wages, withheld taxes, and local spending	**Severity-Low:** Workers and the companies participating in the proposed action. **Extent-Small:** The limited scale of the proposed action would only employ a minor amount of individuals. **Duration-Short Term:** Workers and the company would only have opportunity to collect wages, withhold taxes, and spend locally	N/A	The proposed action would provide only a small, temporary addition to the existing local and state tax base associated with other economic activity in the Polson and Hot Springs, MT area.	None	No

Affected Resource and Section Reference	Potential Impact	Severity[1], Extent[2], Duration[3], Frequency[4], Uniqueness and Fragility (U/F)	Probability impact will occur[5]	Cumulative impacts	Measures to reduce impact as proposed by Applicant	Significance (yes/no)
		related to the proposed action during operations and within 2 years after completion or abandonment of exploration activities, plus growing seasons. **Frequency- Daily:** During exploration and reclamation activities. **Unique/Fragile-** Not unique or particularly fragile.				
15. Demand for Government Services	Increased traffic	**Severity-Low:** Traffic would increase on a small number of public roads within the greater project area. **Extent-Small:** Increased traffic would occur along the local and public roads in the immediate vicinity of the project area. **Duration-Short Term:** Increased vehicle traffic would only occur during operations and within 2 years after completion or abandonment of exploration activities, plus growing seasons. **Frequency- Daily:** During exploration and reclamation activities. **Unique/Fragile-** Not unique or particularly fragile.	Certain	No cumulative impacts to demand on government services would be expected from the proposed action	None	No
16. Locally Adopted Environmental Plans and Goals	No anticipated impacts	N/A	N/A	N/A	N/A	No
17. Access to and Quality of Recreational and Wilderness Activities	Project visibility and noise	**Severity-Medium:** Receptors would view heavy equipment, equipment related to drilling, and equipment transportation. Receptors could observe light during low-light operations from the light plant in use. Receptors would hear noise from sources including the operation of heavy equipment, construction, and travel. **Extent-Small:** The proposed action could generate impacts similar to those described in “Section 8. Aesthetics” to recreationists in the immediately surrounding BLM lands. **Duration-Short Term:** Project visibility and noise would only occur during operations and within 2 years after completion or abandonment of exploration activities, plus growing seasons. **Frequency- Daily:** During exploration and reclamation activities. **Unique/Fragile-** Not unique or particularly fragile.	Certain	The proposed action would add impacts similar to those described in “Section 8. Aesthetics” these visual and noise effects are expected to be minor and temporary, with final reclamation required within 2 years after exploration concludes.	None	No
18. Density and Distribution of Population and Housing	No anticipated impacts	N/A	N/A	N/A	N/A	No
19. Social Structures and Mores	No anticipated impacts	N/A	N/A	N/A	N/A	No
20. Cultural Uniqueness and Diversity	No anticipated impacts	N/A	N/A	N/A	N/A	No

1. Severity describes the density at which the impact may occur. Levels used are low, medium, high.
2. Extent describes the land area over which the impact may occur. Levels used are small, medium, and large.
3. Duration describes the time period over which the impact may occur. Descriptors used are discrete time increments (day, month, year, and season).
4. Frequency describes how often the impact may occur.
5. Probability describes how likely it is that the impact may occur without mitigation. Levels used are: impossible, unlikely, possible, probable, certain

PREPARATION

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September 28, 2026

Signature Date

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REFERENCES

Bureau of Land Management (BLM): 2020 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends from Coal, Oil, and Gas Exploration and Development on the Federal Mineral Estate.

BLM GIS Data. Retrieved from Bureau of Land Management: https://www.blm.gov/services/geospatial/GISData

Claar, J.J., N. Anderson, D. Boyd, M. Cherry, B. Conard, R. Hompesch, S. Miller, G. Olson, H. Ihsle Pac, J. Waller, T. Wittinger, H. Youmans. 1999. Carnivores. Pages 7.1-7.63 in Joslin, G. and H. Youmans, coordinators. Effects of Recreation on Rocky Mountain Wildlife: A Review of Montana. Committee on Effects of Recreation on Wildlife. Montana Chapter of the Wildlife Society. 307pp. https://mtnhp.org/Reports/ZOO_Recreation_and_RMwildlife_1999.pdf

Discover DEQ's Data: https://discover-mtdeq.hub.arcgis.com/

Environmental Protection Agency (EPA) Center for Corporate Climate Leadership: Scope 1 and Scope 2 Inventory Guidance

EPA Clean Air Act Class 1 Area Locator tool: Clean Air Act Class I Area Locator Tool

EPA Geospatial Resources: https://www.epa.gov/geospatial

EPA Simplified GHG Emissions Calculator: https://www.epa.gov/climateleadership/simplified-ghg-emissions-calculator.

Federal Aviation Administration, Helicopter Flying Handbook (2022): https://www.faa.gov/sites/faa.gov/files/regulations_policies/handbooks_manuals/aviation/helicopter_flying_handbook/hfh_ch12.pdf

Federal Emergency Management Agency – National Flood Hazard Layer: https://www.fema.gov/flood-maps/national-flood-hazard-layer

Geologic Map of Montana. Retrieved from Montana Bureau of Mines and Geology: https://mbmgmap.mtech.edu/server/rest/services/Geology/Geology500k/MapServer

Ground Water Information Center Database. Retrieved from Ground Water Information Center: https://mbmggwic.mtech.edu

Longcore and Rich, 2004. Travis Longcore and Catherine Rich. “Ecological Light Pollution.” Frontiers in Ecology and the Environment. Volume 2, Issue 4, May 2004, pages 191-198.

Montana Cadastral – Montana State Library: https://svc.mt.gov/msl/mtcadastral

Montana Department of Natural Resources and Conservation: https://dnrc.mt.gov/

Montana Department of Transportation – Zoning Compliance Form: https://www.mdt.mt.gov/publications/maps.aspx

Montana Natural Heritage Project Environmental Summary: https://mtnhp.mt.gov/

Montana Sage Grouse Habitat Conservation Program: https://sagegrouse.mt.gov/ProgramMap

Nafakh, Davila, Zhang, et. al, 2022. Abdullah Jalal Nafakh, Franklin Vargas Davila, Yunchang Zhang, Jon D. Fricker, Dulcy M. Abraham. “Workzone Lighting and Glare on Nighttime Construction and Maintenance Activities”. Joint Transportation Research Program – Indiana Department of Transportation and Purdue

University. SPR-4542 Volume 1. Report Number: FHWA/IN/JTRP-2022. DOI: 10.5703/1288284317379. June 2022.

Rock core samples, Mesabi Tribune: https://www.mesabitribune.com/mine/just-look-at-the-rocks-they-got/article_fa1cb930-3a2f-11e9-968a-4319456a7822.html (2019).

United States Fish and Wildlife Service – Wetlands Data: https://www.fws.gov/program/national-wetlands-inventory/data-download

United States Forest Service – FSGeodata Clearinghouse: https://data.fs.usda.gov/geodata/

U.S. Geological Survey, Ericksen, G.E., Leinz, R.W., and Marks, L.Y., 1981, Mineral resources of the Flint Creek Range Wilderness Study Area, Granite and Powell counties, Montana: U.S. Geological Survey Open-File Report 81-1095, i, 8 p. :map ;28 cm., https://doi.org/10.3133/ofr811095.

United State Geological Survey. USGS Stream Stats. Retrieved from United State Geological Survey: https://streamstats.usgs.gov/ss/

USDA Forest Service and USDI Fish and Wildlife Service 2009. Guide to Effects Analysis of Helicopter Use in Grizzly Bear Habitat. December. 18 pp. Montana/Northern Idaho Level 1 Terrestrial Biologists Team. Final Version. 18 pp.

Web Soil Survey – Natural Resources Conservation Service: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

WRH Nevada Properties, LLC (BGC) 2025. Mine Exploration License Number 00906 Amendment 1 Supplemental Information.

40 Federal Register 31734-31736. Amendment Listing the Grizzly Bear of the 48 Conterminous States as a Threatened Species; 40 FR 31734 31736 (Ursus arctos horribilus): https://www.fws.gov/sites/default/files/federal_register_document/FR-1975-07-28.pdf

75 Federal Register 14496-14498. Reinstatement of Protections for the Grizzly Bear in the Greater Yellowstone Ecosystem in Compliance With Court Order: https://www.federalregister.gov/documents/2010/03/26/2010-6802/endangered-and-threatened-wildlife-and-plants-reinstatement-of-protections-for-the-grizzly-bear-in

78 Federal Register 7864, 50 CFR Part 17, Endangered and Threatened Wildlife and Plants; Threatened Status for the Distinct Population Segment of the North American Wolverine Occurring in the Contiguous United States, dated February 4, 2013: https://www.govinfo.gov/content/pkg/FR-2013-02-04/pdf/2013-01478.pdf

CONSOLIDATED RESPONSES TO COMMENTS ON THE DRAFT EA

The Draft EA was initially posted to the DEQ website for public comment between August 13, 2026, and August 28, 2026, and extended to September 11, 2026, in response to a request for an extension of the comment period. The Final EA will be available on the DEQ website.

The consolidated responses presented below were grouped by broad themes. See **Table 4** for a list of the consolidated response topics, and the sections below for the responses to them.

Table 4 : Issues Codes for Consolidates Responses to Comments on the draft EA

Code	Issue
EL-1	Concerns Regarding Exploration License
PE-1	Concerns Regarding Terrestrial and Aquatic Life and Habitats
PE-2	Concerns Regarding Water Quality, Quantity and Distribution
PE-4	Concerns Regarding Soil Quality, Stability and Moisture
PE-5	Concerns Regarding Vegetation Cover, Quantity and Quality
PE-6	Concerns Regarding Aesthetics
PE-7	Concerns Regarding Air Quality
PE-8	Concerns Regarding Unique, Fragile or Limited Environmental Resources
PE-10	Concerns Regarding Demand on Environmental Resources of Land, Water, Air and Energy
HP-6	Concerns Regarding Human Health and Safety
HP-11	Concerns Regarding Locally Adopted Environmental Plans and Goals
HP-12	Concerns Regarding Other Appropriate Social and Economic Circumstances
MEPA	Concerns Regarding MEPA Process
Other	Comments Regarding Support for the Project

Consolidated Response EL-1

Public comments were received regarding the Exploration License, statutes, rules, and reclamation requirements. These comments were read, coded as EL-1, grouped by common theme, and addressed in the consolidated responses below.

Landowner Notification and Access

Flathead Ridge Ranch (FRR) requests that DEQ withhold approval until the Applicant demonstrates compliance with the Montana Landowner Notification Act, including evidence of a surface-use agreement with FRR.

An exploration license under the Metal Mine Reclamation Act (MMRA), Title 82, chapter 4, part 3, MCA, is limited to DEQ's review of the proposed exploration activities, reclamation, bonding, and the Applicant's compliance with the MMRA and its implementing rules.

Under § 82-4-332, MCA, an exploration license applicant must submit a map or sketch locating the proposed exploration area, identify the prospecting and excavation techniques to be used, agree to reclaim surface disturbance, provide reclamation bonding in an amount and form determined by DEQ, and not be in default of another reclamation obligation under the MMRA. ARM 17.24.103(1) likewise requires an exploration plan and map or sketch detailed enough to identify proposed disturbances, evaluate whether significant environmental problems may be encountered, and determine whether the applicable exploration reclamation and performance requirements will be met.

The MMRA exploration license requirements in § 82-4-332, MCA, and ARM 17.24.103(1) do not require an applicant to submit a surface-use agreement or otherwise establish to DEQ the validity, scope, or enforceability of private mineral ownership, surface-access rights, easements, or trespass claims as a condition of license issuance. DEQ therefore does not resolve the existence, adequacy, or enforceability of a surface-use agreement between the Applicant and FRR through this licensing action.

An exploration license does not convey a property interest or independently authorize entry onto private property. The Applicant remains responsible for obtaining and maintaining all property rights, permissions, and other approvals required before conducting exploration. Under ARM 17.24.101(8) and ARM 17.24.103(4), the Applicant must conduct exploration in accordance with the approved plan, the MMRA, DEQ rules, and the license conditions; under § 82-4-332(3), MCA, the required reclamation bond secures the Applicant's reclamation obligations.

The Montana Landowner Notification Act is separate from DEQ's MMRA exploration license review. This decision neither determines compliance with the Montana Landowner Notification Act nor relieves the Applicant of obligations under any other applicable law.

Additional License Conditions Requested

FRR requests conditions requiring: a 50-foot setback from streams, wetlands, or water-retaining areas; buffers encompassing stream-depletion zones; sumpless drill pads within 150 feet of sensitive wetland or riparian areas; offsite management of drill cuttings and fluids; and a comprehensive stormwater and spill-prevention plan.

DEQ considered the requested conditions in light of the Draft EA, the Applicant's proposed BMPs, and the exploration requirements of the MMRA and ARM Title 17, chapter 24, subchapter 1. The Draft EA identifies an unnamed ephemeral drainage within the project area; proposed drill site CODH-03 is approximately 50 to 100 feet upslope of that drainage. No wetlands are mapped within the immediate project area, and the proposed action would not directly disturb mapped wetlands or riparian habitat.

The Applicant proposes compacted earthen berms, plastic liners, lined sumps, secondary containment for hazardous substances where appropriate, and spill-prevention and response kits to control runoff, sediment, drilling fluids, and accidental releases. The Applicant also proposes to confine drilling fluids and cuttings at each drill site and reclaim disturbed areas through stabilization, soil replacement where feasible, and revegetation. The Draft EA concludes that these measures, together with drill-hole plugging and reclamation, would minimize offsite transport and that potential water-resource effects would be minor and temporary.

Applicable exploration requirements directly address the issues raised by FRR. Drill sites may not be constructed in natural flowing streams under ARM 17.24.105(3); trenches and other excavations must, insofar as possible, be located outside such streams under ARM 17.24.105(5); and excavation spoil may not be placed in drainageways under ARM 17.24.105(6). Drilling mud, water, other fluids, and waste cuttings must be contained at the drill site in storage tanks or sumps, or managed under a DEQ-approved plan under ARM 17.24.105(2). The rules also require disturbance minimization, prohibit releases of petroleum products, and require immediate removal and proper disposal of contaminated material following a release. ARM 17.24.105(4), (7).

After drilling, cuttings or core must be removed, placed downhole, or buried, and drilling mud and other nontoxic lubricants must be removed or allowed to percolate before sump backfilling under ARM 17.24.107(1). Drill sites must be returned to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary; where feasible, salvaged soil must be reapplied and disturbed areas revegetated. ARM 17.24.107(4), (10)–(12).

Neither § 82-4-332, MCA, nor ARM 17.24.103 through 17.24.108 requires the universal setbacks, stream-depletion buffers, sumpless drilling, or offsite drilling-waste management requested by FRR. The rules instead impose site-specific controls that prohibit construction in flowing streams, restrict spoil placement in drainageways, require containment or DEQ-approved management of drill returns, require spill prevention and cleanup, and require reclamation.

The Applicant must comply with the approved exploration plan, and under ARM 17.24.103(4), may not change that plan without DEQ's prior verbal or written approval except in an emergency or suddenly threatened or existing catastrophe. If field conditions reveal a water feature or other condition that cannot be adequately protected under the approved design and BMPs, the Applicant must avoid or relocate the disturbance, or obtain DEQ approval before proceeding with a change.

Groundwater and Water Monitoring

FRR requests groundwater-specific control measures, baseline groundwater monitoring before drilling, a comprehensive stormwater and spill-prevention plan, and ongoing surface-water and groundwater

monitoring for abnormal contaminants during operations and reclamation, with results reported to DEQ and FRR.

DEQ evaluated potential effects on groundwater, surface water, stormwater, drilling fluids, and reclamation in the Draft EA. The Draft EA recognizes that groundwater may be encountered during drilling, including at the proposed maximum drill-hole depth of 4,000 feet, and that static groundwater-level data are unavailable in the immediate drill-site area. Based on the limited, temporary exploration footprint; proposed containment BMPs; required drill-hole plugging; and reclamation, the Draft EA concludes that the project's contribution to surface-water and groundwater effects would be minor and temporary. The Applicant is required to comply with the applicable local, county, state, and federal requirements pertaining to water quality.

The Applicant proposes lined sumps, compacted earthen berms, plastic liners, secondary containment for hazardous substances, and spill-prevention and response kits. These measures are intended to contain drilling fluids and cuttings, limit sediment and contaminant transport, and manage accidental releases. The project does not include mine dewatering, production-scale pumping, a planned discharge to surface water or groundwater, or development of a new water source in the exploration area; drilling water would be purchased from the existing City of Hot Springs municipal system.

The exploration rules independently require drilling mud, water, other fluids, and waste cuttings to be contained at the drill site in tanks or sumps, or managed under a DEQ-approved plan, under ARM 17.24.105(2). The rules prohibit releases of petroleum products and require immediate removal and proper disposal of contaminated material if a release occurs under ARM 17.24.105(7). Drill holes must be plugged under ARM 17.24.106, including with bentonite or a similar material and cement when drilling intercepts multiple aquifers, a beneficial-use aquifer, artesian groundwater, or conditions presenting a potential for downward water loss.

The MMRA does not require baseline or ongoing water monitoring for every exploration project. Rather, § 82-4-355(2)(b), MCA, requires DEQ-approved water-quality monitoring, water-quantity monitoring, or both before exploration when DEQ determines that the operation presents a great potential to adversely affect surface-water or subsurface-water quality or quantity. Based on the Draft EA, the proposed BMPs, applicable fluid-containment and drill-hole-plugging requirements, the absence of dewatering or a project-area water withdrawal, and required reclamation, DEQ does not make that determination, and therefore does not require pre-drilling baseline monitoring, ongoing surface-water or groundwater monitoring, or routine reporting to FRR as license conditions.

Section 82-4-355(2)(a), MCA, provides a process if a landowner alleges an exploration-related loss of groundwater quality or quantity. Upon a valid complaint, DEQ must investigate using available information and may require monitoring wells or other practices if necessary to determine the cause. If DEQ finds by a preponderance of the evidence that exploration caused a water loss, DEQ must order the operator to temporarily replace water of like quality, quantity, and duration.

The Applicant must comply with the approved exploration plan, the MMRA, and applicable exploration rules throughout exploration and reclamation. Under ARM 17.24.103(4), the Applicant may not depart from the approved plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe; the Applicant is also responsible for violations by its employees, agents, contractors, and subcontractors under ARM 17.24.101(8).

Consolidated Response PE-1

Public comments were received on Draft EA Section 5, "Terrestrial, Avian and Aquatic Life and Habitat." These comments were read, coded as PE-1, grouped by common theme, and addressed in the consolidated responses below. Related responses addressing public comments below may also be found in Consolidated Response PE-2, "Water Quality, Quantity and Distribution".

Thermal Refuge and Ecological Function of the Unnamed Ephemeral Drainage

Commentors identified distinctly different temperatures between the unnamed drainage's streambed and the adjacent hillside and assert that the drainage provides important thermal refuge during peak summer heat.

DEQ considered these observations as relevant to potential wildlife use of the drainage. The Draft EA identifies an unnamed ephemeral drainage within the project sub-basin and states that the nearest proposed disturbance, drill site CODH-03, would be approximately 50 to 100 feet upslope. The Draft EA also states that no wetlands are mapped within the immediate project area and that the proposed action would not directly disturb mapped wetlands or riparian habitat.

The record does not establish the drainage's thermal characteristics, the duration or extent of cooler conditions, the frequency of wildlife use, or its functional significance as thermal-refuge habitat beyond the observations provided in comment. DEQ therefore does not characterize the drainage as established thermal-refuge habitat for this decision.

Based on the proposed location outside the drainage, the 50- to 100-foot upslope separation, the Applicant's BMPs, and the applicable containment, spill-prevention, and reclamation requirements, DEQ concludes that the proposed exploration is not expected to significantly affect the unnamed ephemeral drainage or materially impair its potential localized habitat function. This determination is limited to the approved exploration footprint and does not authorize construction in a natural flowing stream, spoil placement in a drainageway, petroleum releases, or unapproved changes to the exploration plan. Under ARM 17.24.103(4), the Applicant may not depart from the approved plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe.

See Table 3: Assessment of Significant (ARM 17.4.608)

Consolidated Response PE-2

Public comments were received on Draft EA Section 2, "Water Quality, Quantity and Distribution." These comments were read, coded as PE-2, grouped by common theme, and addressed in the consolidated responses below.

Wetland, Drainage, and Riparian Resource Characterization and Mapping

Commenters assert that the Draft EA's statement that no mapped wetlands occur within the immediate project area was not supported by site-specific field verification. The comments identify observations of retained water, springs, wallows, pools, marsh or seasonal wetland conditions, and a drainage referred

to as the Snowberry Drainage near proposed drill sites CODH-26-02, CODH-26-03, and CODH-26-04. Commenters also request corrected mapping, exact drill-site GIS coordinates, field verification, and a site-specific wetland delineation before DEQ issues a final decision.

The Draft EA's statement that no wetlands are mapped within the immediate project area reflects the mapping and resource information available during its preparation. It does not establish that seasonal water, localized wet areas, springs, wallows, pools, or other small-scale hydrologic features are absent from the broader project area. DEQ considered the comments and supporting observations in evaluating the reported features, mapped drainage information, and their relationship to proposed disturbance.

The proposed action is limited to four drill sites, four drill holes, four two-celled internal drill sumps, one laydown area, and up to 2.48 acres of new surface disturbance. Under § 82-4-332(2), MCA, and ARM 17.24.103(1)(c), the exploration application must identify the exploration area and proposed disturbances with sufficient detail for DEQ to evaluate whether significant environmental problems may be encountered.

The Applicant must conduct exploration under the approved plan. Under ARM 17.24.103(4), the Applicant may not relocate, expand, or otherwise depart from that plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe. If field conditions show that a proposed pad, sump, laydown area, or other disturbance cannot be constructed as approved without affecting a reported water feature or creating a condition not adequately addressed in the approved plan, the Applicant must avoid or relocate the disturbance, and obtain DEQ approval before proceeding.

The exploration rules apply regardless of whether a feature is mapped as a wetland. Drill sites may not be constructed in natural flowing streams; trenches and other excavations must, insofar as possible, be located outside flowing streams; and spoil may not be placed in drainageways. ARM 17.24.105(3), (5)–(6). Drilling fluids and cuttings must be contained at the drill site in tanks or sumps, or managed under a DEQ-approved plan; surface disturbance must be minimized; and petroleum-product releases are prohibited, with immediate removal and proper disposal required if a release occurs. ARM 17.24.105(2), (4), (7).

The Applicant must reclaim affected surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be returned to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary; where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture. ARM 17.24.107(4), (10)–(11).

The current record does not establish that the reported features are delineated wetlands or that the proposed drill pads, sumps, or laydown area would be located in a wetland, streambed, or other feature protected by the applicable exploration rules. DEQ therefore does not require a site-specific wetland delineation as a condition of this exploration license decision.

See Table 3: Assessment of Significant (ARM 17.4.608)

Drill-site Proximity to Water Features and Requested Operational Conditions

One commenter requested that drilling occur outside streambeds, wetlands, and retained-water features; that buffers be established by a qualified hydrologist or wetland expert; that buffers include stream-depletion zones; that a minimum 50-foot setback be required from the ordinary high-water mark of streams, wetlands, or areas retaining water; and that drill pads near sensitive wetland or riparian areas use a sumpless design with mud tanks and off-site disposal of drilling fluids and cuttings.

DEQ considered the requested conditions in light of the Draft EA, the Applicant's proposed controls, and the MMRA exploration requirements. The Draft EA identifies an unnamed ephemeral drainage and adjacent riparian systems within the project area. Proposed drill site CODH-26-03 is approximately 50 to 100 feet upslope of that drainage; no wetlands are mapped within the immediate project area.

The exploration rules prohibit drill sites in natural flowing streams under ARM 17.24.105(3), require trenches and other excavations to be located outside flowing streams insofar as possible under ARM 17.24.105(5), and prohibit placement of excavation spoil in drainageways under ARM 17.24.105(6). Drilling fluids and cuttings must be contained at the drill site in tanks or sumps, or managed under a DEQ-approved plan under ARM 17.24.105(2). The rules also require disturbance minimization and prohibit petroleum releases, with immediate removal and proper disposal of contaminated material if a release occurs (ARM 17.24.105(4), (7)).

The Applicant proposes one two-celled internal drill sump at each of the four drill pads, together with compacted earthen berms, plastic liners, secondary containment where appropriate, and spill-prevention and response kits. These measures are intended to contain drilling fluids and cuttings, control runoff, minimize erosion and sediment transport, and limit movement of fuel, lubricants, and other hazardous substances beyond the drill-pad areas.

After drilling, cuttings or core must be removed, placed downhole, or buried, and drilling mud and other nontoxic lubricants must be removed or allowed to percolate before sump backfilling under ARM 17.24.107(1). Drill sites must be restored to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary; where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture. ARM 17.24.107(4), (10)–(12).

Neither § 82-4-332, MCA, nor ARM 17.24.103 through 17.24.108 requires a universal 50-foot setback, buffers based on stream-depletion zones, hydrologist- or wetland-specialist-designed buffers, sumpless drilling, mud tanks, or offsite disposal of drilling fluids and cuttings for every exploration project. Instead, the rules impose enforceable location, containment, spill-prevention, disturbance-minimization, and reclamation requirements.

The record does not establish that the requested uniform setbacks or alternative containment and disposal measures are necessary for the four proposed drill sites to comply with the applicable MMRA and rule requirements. The Applicant must follow the approved exploration plan, which must identify proposed disturbances and allow DEQ to determine whether significant environmental problems may be encountered under § 82-4-332(2), MCA, and ARM 17.24.103(1)(c).

If field conditions reveal a water feature, wetland, drainage condition, or other circumstances that cannot be adequately protected under the approved design and BMPs, the Applicant must avoid or relocate the disturbance, or obtain DEQ approval before changing the plan. Under ARM 17.24.103(4), the Applicant may not depart from the approved plan without DEQ's prior verbal or written approval except in an emergency or suddenly threatened or existing catastrophe. Based on the limited four-pad footprint, temporary duration, proposed BMPs, required drill-hole plugging, and reclamation, the Draft EA concludes that the project's contribution to surface-water and groundwater effects would be minor and temporary.

See Table 3: Assessment of Significant (ARM 17.4.608)

Groundwater, Surface Water Quality, and Monitoring

Commenters raise concerns that drilling up to 4,000 feet will intercept groundwater, that no static groundwater-level data are available in the immediate project area, and that the Applicant has not proposed groundwater-specific controls beyond standard plugging requirements. The landowner asserts that proposed drill sites may disrupt natural flow patterns, that the Draft EA lacks adequate baseline information to support its finding of minor impacts, and that DEQ should require baseline groundwater monitoring, a comprehensive stormwater and spill-prevention plan, ongoing surface-water and groundwater monitoring, and reporting to DEQ and the landowner.

DEQ evaluated groundwater, surface water, erosion, sediment, drilling fluids, and hazardous-substance pathways in the Draft EA. The Draft EA recognizes that groundwater may be encountered during drilling and that local static groundwater-level data are unavailable because no existing wells are located at the proposed drill sites. Based on the identified hydrologic setting, the Draft EA concludes that artesian flow is not expected. The Applicant is required to comply with the applicable local, county, state, and federal requirements pertaining to water quality.

The exploration rules independently require drilling mud, water, other fluids, and waste cuttings to be confined to the drill site in tanks or sumps, or managed under a DEQ-approved plan, under ARM 17.24.105(2). The rules also require disturbance minimization and prohibit petroleum releases, with immediate removal and proper disposal of contaminated material if a release occurs (ARM 17.24.105(4), (7)).

ARM 17.24.106 requires all exploration drill holes to be plugged with five to ten feet of cement at the surface, subject to specified exceptions. Where drilling intercepts multiple aquifers, a beneficial-use aquifer, artesian groundwater, or conditions that could cause downward water loss, the hole must be plugged with bentonite or a similar material from the bottom to within five to ten feet of the surface and then cemented to the surface (ARM 17.24.106(1)–(2)). Drill holes generally must be plugged before the drill rig is removed (ARM 17.24.106(4)). If artesian flow cannot be stopped, the operator must obtain a DEQ discharge permit or develop the hole as a water well in compliance with applicable law; the latter option requires landowner concurrence and compliance with water-quality requirements (ARM 17.24.106(5)).

The Applicant must also reclaim surface disturbance as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Following drilling, cuttings or core must be removed, placed downhole, or buried; drill sites must be restored to stable configurations approximating original contour

to the extent possible; and, where feasible, salvaged soil must be reapplied and disturbed areas revegetated. ARM 17.24.107(1), (4), (10)–(12).

The MMRA does not require baseline or ongoing water monitoring for every exploration project. Under § 82-4-355(2)(b), MCA, DEQ must require a DEQ-approved water-quality monitoring program, water-quantity monitoring program, or both before exploration only when it determines that the operation presents a great potential to adversely affect surface-water or subsurface-water quality or quantity.

Based on the Draft EA, the project's limited scope and duration, the absence of dewatering or project-area water withdrawal, the proposed BMPs, required drill-hole plugging, and reclamation, DEQ does not find the proposed action to have great potential to adversely affect water quality or quantity, and therefore does not require baseline groundwater monitoring, ongoing surface-water or groundwater monitoring, or routine reporting to the landowner as conditions of this exploration license.

See Table 3: Assessment of Significant (ARM 17.4.608)

Wildlife Dependence, Thermal Refuge, and Ecological Sensitivity of Retained Water

One commenter stated that retained water is limited in the upper Nirada Valley and that local wildlife depends on the drainage and associated thermal cover for water, shade, and thermal regulation. The landowner identifies deer, elk, moose, black bears, grizzly bears, and other species as potentially using the area and asserts that the Draft EA does not adequately discuss effects on wildlife, threatened or endangered species, or water-dependent habitat functions.

DEQ considered the potential ecological functions of retained water, riparian areas, and localized cooler drainage conditions. The Draft EA identifies forest and woodland, grassland, shrubland, steppe and savanna, and wetland and riparian systems within the broader project area. It also recognizes that birds, mammals, amphibians, invertebrates, and other wildlife may use the area and may be temporarily displaced by drilling, vehicle traffic, noise, lighting, and human activity.

The Draft EA identifies potential habitat for Montana Species of Concern and Species of Potential Concern. Based on the limited and temporary disturbance, available adjacent habitat, and required reclamation, the Draft EA concludes that wildlife displaced from active work areas may use surrounding habitat during operations and may return after reclamation. The Draft EA further concludes that the proposed action is not expected to significantly affect terrestrial, avian, or aquatic life or habitat.

The exploration rules provide enforceable protections for drainage features and nearby habitat. Drilling fluids and cuttings must be confined to the drill site in tanks or sumps, or managed under a DEQ-approved plan, under ARM 17.24.105(2). Disturbance must be limited to the minimum necessary under ARM 17.24.105(4); petroleum releases are prohibited under ARM 17.24.105(7); drill sites may not be constructed in natural flowing streams under ARM 17.24.105(3); and excavation spoil may not be placed in drainageways under ARM 17.24.105(6).

The Applicant must reclaim surface disturbance as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). After drilling, cuttings or core must be removed, placed downhole, or buried; drill sites must be returned to stable configurations approximating original contour to the extent

possible; and, where feasible, salvaged soil must be reapplied and disturbed areas revegetated. ARM 17.24.107(1), (4), and (10)–(12).

The record supports consideration of the reported drainage, retained-water features, associated vegetation, and localized temperature conditions as possible wildlife-habitat attributes. It does not establish the extent, frequency, or species-specific importance of wildlife use of any particular retained-water feature or drainage segment. DEQ therefore evaluated the concern based on the reasonably foreseeable effects of the proposed exploration activity and the applicable exploration requirements.

Based on the limited four-site footprint, temporary nature of drilling, proposed containment, erosion-control, spill-prevention, and lighting measures, required drill-hole plugging and reclamation, and the protections governing streams, drainageways, and petroleum releases, DEQ concludes that the proposed exploration is not expected to significantly affect wildlife habitat or the potential localized habitat functions of retained water and associated drainage features.

The Applicant must conduct exploration in accordance with the approved plan. Under ARM 17.24.103(4), the Applicant may not depart from that plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe. If field conditions show that a proposed drill pad, sump, laydown area, or related disturbance would affect a water feature, wetland, streambed, drainage feature, or other sensitive resource not adequately addressed by the approved plan, the Applicant must avoid or relocate the disturbance, or obtain DEQ approval before proceeding with a change.

See Table 3: Assessment of Significant (ARM 17.4.608)

Consolidated Response PE-4

Public comments were received on Draft EA Section 1, "Geology and Soil Quality, Stability, and Moisture." These comments were read, coded as PE-4, grouped by common theme, and addressed in the consolidated responses below.

Erosion and Sediment Transport

One commenter states that drill pad CODH-26-03 would be located approximately 50 to 100 feet upgradient from an unnamed ephemeral drainage and asserts that soil disturbance could result in sediment or contaminant transport to the drainage during storm events.

DEQ evaluated erosion, sediment transport, stormwater runoff, and potential contaminant releases in the Draft EA. The Draft EA identifies the unnamed ephemeral drainage within the Mill Pocket Creek–Little Bitterroot River watershed and identifies CODH-26-03 as the nearest proposed surface disturbance, approximately 50 to 100 feet upslope.

The proposed action is limited to four drill pads, four two-celled internal drill sumps, one laydown area, and up to 2.48 acres of new surface disturbance. The Draft EA recognizes that temporary disturbance may cause minor erosion and that stormwater could transport sediment or other contaminants from disturbed areas during precipitation events. The Applicant is required to comply with the applicable

local, county, state, and federal requirements pertaining to erosion control, sediment transport, and water quality.

The Applicant proposes compacted earthen berms, plastic liners, internal drill sumps, secondary containment where appropriate, and spill-prevention and response kits. These measures are intended to contain drilling fluids and cuttings at each drill pad, control runoff, and minimize sediment and contaminant transport beyond the disturbance area.

The exploration rules require drilling fluids and cuttings to be confined to the drill site in tanks or sumps, or managed under a DEQ-approved plan, under ARM 17.24.105(2). They also require surface disturbance to be limited to the minimum necessary and prohibit petroleum releases, with immediate removal and proper disposal of contaminated material if a release occurs (ARM 17.24.105(4), (7)). Drill sites may not be constructed in natural flowing streams, and spoil may not be placed in drainageways; unless physically impracticable, spoil must be kept at least five vertical feet above high-flow level (ARM 17.24.105(3), (6)).

After drilling, cuttings or core must be removed, placed downhole, or buried, and drilling mud and other nontoxic lubricants must be removed or allowed to percolate before sump backfilling (ARM 17.24.107(1)). Drill sites must be restored to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary; where feasible, salvaged soil must be reapplied and disturbed areas revegetated (ARM 17.24.107(4), (10)–(12)). The Applicant must agree to reclaim disturbed surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA; unless incorporated into an operating-permit reclamation plan, exploration disturbance must be reclaimed within two years after completion or abandonment under § 82-4-332(4), MCA.

Based on the limited and temporary 2.48-acre disturbance footprint, proposed BMPs, enforceable containment and spill-prevention requirements, and reclamation obligations, the Draft EA concludes that the project's contribution to erosion and sediment transport would be minor, localized, and short term. DEQ therefore concludes that the proposed exploration is not expected to significantly affect soil stability or the unnamed ephemeral drainage.

See Table 3: Assessment of Significant (ARM 17.4.608)

Soil Disturbance, Vegetation Removal and Noxious Weeds

Commenters state that the project would clear approximately 2.48 acres of vegetation and assert that the area includes soils with medium to moderate erosion hazard ratings. The landowner further states that surface disturbance could increase the risk of noxious-weed propagation.

DEQ evaluated soil stability, erosion potential, vegetation disturbance, and noxious weeds in the Draft EA. The proposed action would disturb up to 2.48 acres for four drill pads, four internal drill sumps, and one laydown area. The Draft EA identifies soils with slight and moderate erosion-hazard ratings; moderate-hazard soils may be susceptible to some erosion and may require erosion-control measures. The Draft EA does not identify unusual or unstable geologic features or soils that are fragile, distinctly erosive, or unstable in the project area.

The Draft EA recognizes that construction and use of pads, sumps, and the laydown area would temporarily displace soil and disturb vegetation, creating potential for erosion and noxious-weed establishment. It concludes that the proposed BMPs, required reclamation, and weed-management measures would limit these effects and that the project's cumulative contribution to soil, vegetation, and erosion effects would be minor and short term.

ARM 17.24.105(1) requires suitable and practicably salvageable soil to be salvaged before disturbance and stockpiled or used for immediate reclamation. ARM 17.24.105(4) requires vegetation removal and grading to be limited to the minimum area necessary, and ARM 17.24.105(10) authorizes DEQ to require interim revegetation for erosion control.

The Applicant proposes compacted earthen berms, plastic liners, and spill-prevention and response kits to minimize erosion, sediment transport, and movement of non-sediment contaminants. After drilling, the Applicant proposes to allow sumps to dry, backfill and recontour sumps and pads, disc compacted ground, and reseed disturbed areas with a DEQ-approved seed mixture. The Applicant proposes to schedule reseeding after livestock are moved to fall grazing areas and near precipitation events to reduce trampling and support seed establishment.

The Applicant must reclaim disturbed surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be returned to stable configurations approximating original contour to the extent possible; where that is not feasible, compacted surfaces must be ripped or otherwise loosened and appropriate drainage provided. ARM 17.24.107(4). Where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture as soon as practicable after grading and during the appropriate season. ARM 17.24.107(10)–(12). If revegetation is unsuccessful, the licensee must consult DEQ and make a second attempt using additional or modified procedures expected to provide satisfactory revegetation. ARM 17.24.107(13).

Unless incorporated into an operating-permit reclamation plan, exploration disturbance must be reclaimed within two years after exploration is completed or the site is abandoned under § 82-4-332(4), MCA. The required exploration performance bond secures performance of the MMRA, applicable rules, and license obligations under § 82-4-338(1)(a), MCA.

The Applicant proposes spot-pulling and use of a broadleaf post-emergent herbicide to manage noxious weeds. The MMRA exploration provisions do not establish a separate weed-control condition or incorporate the 2017 Montana Noxious Weed Management Plan as an exploration license standard. The Applicant nevertheless remains responsible for complying with all applicable federal and state laws and DEQ rules under ARM 17.24.153(1), including applicable weed-control requirements administered outside the MMRA exploration license program.

Based on the limited, temporary disturbance footprint; the required disturbance minimization, soil salvage, stabilization, and revegetation; the proposed erosion-control and weed-management measures; and the reclamation obligation, DEQ concludes that the proposed action is not expected to significantly affect soil quality, soil stability, soil moisture, vegetation cover, or noxious-weed conditions.

See Table 3: Assessment of Significant (ARM 17.4.608)

Consolidated Response PE-5

Public comments were received on Draft EA Section 4, " Vegetation Cover, Quantity and Quality." These comments were read, coded as PE-5, grouped by common theme, and addressed in the consolidated responses below.

Vegetation Removal, Disturbance, and Reclamation

One commenter stated that the proposed project would clear approximately 2.48 acres of vegetation and expressed concern regarding resulting effects on vegetation cover, quantity, and quality.

DEQ evaluated vegetation resources in the Draft EA. The proposed action would temporarily disturb up to 2.48 acres for four drill pads, four associated two-celled internal sumps, and one laydown area. Construction and use of these facilities may disturb vegetation through grubbing, scraping, trampling, and removal of cover within the approved footprint.

The Draft EA describes the broader project area as a mosaic of grassland, forest and woodland, shrubland, steppe and savanna, wetland and riparian systems, and previously disturbed or modified land. Identified vegetation communities include lower montane, foothill, and valley grassland; mixed-conifer forest; deciduous shrubland; ponderosa pine woodland and savanna; and smaller riparian- and wetland-associated vegetation areas.

The exploration rules require vegetation removal and grading to be limited to the minimum area necessary for exploration under ARM 17.24.105(4). Before disturbance, suitable and practicably salvageable soil must be salvaged and stockpiled or used for immediate reclamation under ARM 17.24.105(1), and DEQ may require interim revegetation for erosion control under ARM 17.24.105(10). The Applicant must agree to reclaim affected surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d).

The Applicant proposes to backfill sumps, recontour pads and sumps to minimize erosion, return disturbed ground to the original slope, and seed disturbed areas with a DEQ-approved mixture. The Applicant also proposes to reseed after livestock are moved to fall grazing areas and, where practicable, to coordinate seeding with precipitation to support establishment and reduce trampling.

After drilling, drill sites must be returned to stable configurations approximating original contour to the extent possible. Where necessary, compacted surfaces must be ripped or otherwise loosened and appropriate drainage provided. ARM 17.24.107(4). Where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture as soon as practicable after grading and during the appropriate season. ARM 17.24.107(10)–(12). If revegetation is unsuccessful, the licensee must consult DEQ and make a second attempt using modified or additional procedures expected to achieve satisfactory revegetation. ARM 17.24.107(13).

Unless incorporated into a future operating-permit reclamation plan, all land affected by exploration must be reclaimed within two years after completion or abandonment in a manner acceptable to DEQ under § 82-4-332(4), MCA. The project does not authorize mine development, permanent facilities, ore processing, large-scale clearing, or long-term conversion of vegetation communities.

Based on the limited and temporary 2.48-acre disturbance footprint, disturbance-minimization requirements, proposed reclamation measures, and enforceable stabilization, soil replacement, and revegetation requirements, the Draft EA concludes that effects on vegetation cover, quantity, and quality would be localized and short term. DEQ therefore concludes that the proposed action is not expected to significantly affect vegetation resources.

See Table 3: Assessment of Significant (ARM 17.4.608)

Erosion, Weed Propagation, and Vegetation Recovery

A commenter stated that soils in the project area have medium to moderate erosion hazard ratings and asserted that surface disturbance creates an immediate risk of erosion and noxious-weed propagation.

DEQ evaluated erosion potential, soil disturbance, vegetation recovery, and noxious weeds in the Draft EA. The Draft EA identifies soils with slight and moderate erosion-hazard ratings; moderate-hazard soils may be susceptible to some erosion and may require erosion-control measures. The Draft EA does not identify unusual or unstable geologic features or soils that are fragile, distinctly erosive, or unstable in the project area.

The Draft EA recognizes that construction and use of drill pads, internal sumps, and the laydown area may cause minor erosion and create conditions favorable to weed establishment. It concludes that, with the proposed BMPs, reclamation, and weed-management measures, the project's 2.48 acres of temporary disturbance would make a minor and short-term contribution to cumulative effects on soil stability, vegetation, and erosion.

The Applicant proposes compacted earthen berms, plastic liners, secondary containment where appropriate, and spill-prevention and response kits to control runoff, reduce sediment transport, and contain hazardous substances. The Applicant also proposes to reclaim disturbed areas by allowing sumps to dry, backfilling and recontouring sumps and pads, returning ground to the original slope, discing as appropriate, and reseeding with a DEQ-approved mixture.

ARM 17.24.105(1) requires suitable and practicably salvageable soil to be salvaged before disturbance and stockpiled or used for immediate reclamation. ARM 17.24.105(4) requires disturbance from vegetation removal and grading to be limited to the minimum area necessary, and ARM 17.24.105(10) authorizes DEQ to require interim revegetation for erosion control. Drilling fluids and cuttings must be contained at the drill site in tanks or sumps, or managed under a DEQ-approved plan, under ARM 17.24.105(2); petroleum releases are prohibited, and contaminated material must be immediately removed and properly disposed of if a release occurs, under ARM 17.24.105(7).

The Applicant must reclaim affected surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be restored to stable configurations approximating original contour to the extent possible; where that is not feasible, compacted surfaces must be ripped or otherwise loosened and appropriate drainage provided. ARM 17.24.107(4). Where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture as soon as practicable after grading and during the appropriate season. ARM 17.24.107(10)–(12). If revegetation is unsuccessful, the licensee must seek DEQ's advice and make a second attempt using procedures expected to provide satisfactory revegetation. ARM 17.24.107(13).

Unless incorporated into an operating-permit reclamation plan, exploration disturbance must be reclaimed within two years after completion or abandonment under § 82-4-332(4), MCA.

The Applicant proposes spot-pulling and use of a broadleaf post-emergent herbicide to manage noxious weeds. The submitted MMRA and exploration rules do not establish a separate noxious-weed condition or incorporate the 2017 Montana Noxious Weed Management Plan as an exploration license standard. The Applicant nevertheless remains responsible for complying with applicable federal and state law and DEQ rules under ARM 17.24.153(1), including applicable weed-control requirements administered outside the MMRA program.

See Table 3: Assessment of Significant (ARM 17.4.608)

Consolidated Response PE-6

Public comments were received on Draft EA Section 8, "Aesthetics". These comments were read, coded as PE-6, grouped by common theme, and addressed in the consolidated responses below.

Night Lighting, Visual Character, and Wildlife Effects

Commenters note that the project proposes up to 24-hour-per-day, 7-day-per-week operations and use of a portable light plant from dusk to dawn. The landowner expresses concern that artificial illumination could affect night-sky conditions, create visual effects, and disrupt wildlife orientation, foraging, reproduction, communication, or other behaviors.

DEQ evaluated lighting, visual effects, noise, and related effects on terrestrial, avian, and aquatic resources in the Draft EA. The proposed action would occur on private land in a sparsely populated area. Drill rigs, support equipment, vehicles, pads, sumps, and a portable light plant may be visible from nearby locations where views are not screened by topography or vegetation, but these effects would be limited to active exploration and reclamation. The project does not authorize permanent lighting infrastructure, permanent facilities, mine development, or permanent alteration of the broader viewshed.

The Applicant proposes two 12-hour shifts, up to 24 hours per day and seven days per week. One portable light plant may be used from dusk to dawn as needed for low-light operations. The Applicant proposes directional, downward-facing lighting to reduce light spill and glare beyond active work areas.

The Draft EA recognizes that lighting, equipment operation, noise, vehicle traffic, and human presence may temporarily affect wildlife near active work areas through avoidance of illuminated areas, attraction to light, altered movement or foraging, or temporary displacement. It concludes that these effects would be limited by the four-site program, localized lighting, temporary duration, and the availability of surrounding habitat.

The proposed action is limited to four drill sites, four internal drill sumps, one laydown area, and up to 2.48 acres of new surface disturbance. Under ARM 17.24.103(4), the Applicant must follow the approved exploration plan and may not depart from it without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe.

ARM 17.24.105(4) requires vegetation removal and grading to be limited to the minimum area necessary for exploration, and ARM 17.24.105(2) requires drilling fluids and cuttings to be contained at the drill site or managed under a DEQ-approved plan. These requirements limit the authorized work area and confine drilling-related materials to the active disturbance area.

The Applicant must reclaim surface disturbance as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). The Applicant proposes to backfill and recontour pads and sumps, restore disturbed ground to the original slope, and reseed disturbed areas with a DEQ-approved seed mixture. Drill sites must be returned to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary; where feasible, salvaged soil must be reapplied and disturbed areas revegetated. ARM 17.24.107(4), (10)–(12).

Unless incorporated into a future operating-permit reclamation plan, exploration disturbance must be reclaimed within two years after completion or abandonment under § 82-4-332(4), MCA.

Based on the limited four-site scope, temporary use of a portable light plant, proposed directional lighting, available adjacent wildlife habitat, and required reclamation, the Draft EA concludes that lighting and visual effects would be localized and short term. DEQ therefore concludes that the proposed exploration is not expected to significantly affect aesthetics, wildlife habitat, or the broader visual character of the area.

See Table 3: Assessment of Significant (ARM 17.4.608)

Dust, Haze and Scenic Visibility

Commenters assert that fugitive dust from the proposed action could create haze, reduce scenic visibility, and affect wilderness and recreation values on nearby BLM lands and near Glacier National Park.

DEQ evaluated potential air-quality and aesthetic effects in the Draft EA. The Draft EA recognizes that vehicle travel on unpaved roads and work areas, ground disturbance, drilling, and equipment operation may generate fugitive dust and exhaust emissions.

The proposed action is limited to four drill sites, one laydown area, and up to 2.48 acres of temporary surface disturbance. It does not authorize mine development, ore processing, permanent waste-storage facilities, large-scale haulage, or long-term industrial operations. Dust and exhaust would occur principally near active equipment, unpaved access routes, and temporarily disturbed ground.

The Applicant proposes to reduce vehicle speeds when fugitive dust is observed and to use wet drilling to suppress dust at the drill site. The Applicant must conduct exploration in accordance with the approved plan and may not depart from that plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe, under ARM 17.24.103(4).

ARM 17.24.105(4) requires vegetation removal and grading to be limited to the minimum area necessary for exploration, reducing the extent of exposed soil. The Applicant must reclaim affected surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be returned to stable configurations approximating original contour to the extent possible; where feasible,

salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture. ARM 17.24.107(4), (10)–(12).

The Draft EA identifies the Flathead Reservation as the nearest Class I airshed, located less than one mile south of the project area. The Applicant remains responsible for complying with applicable local, county, state, and federal air-quality requirements. Although the MMRA exploration provisions do not establish project-specific opacity, particulate-matter, visibility, or Class I airshed standards, ARM 17.24.153(1) requires the Applicant to comply with all applicable federal and state law and DEQ rules.

Unless incorporated into a future operating-permit reclamation plan, exploration disturbance must be reclaimed within two years after completion or abandonment under § 82-4-332(4), MCA.

Based on the limited four-site scope, temporary 2.48-acre footprint, absence of high-emission activities, proposed wet-drilling and reduced-speed measures, required disturbance minimization and reclamation, and applicable air-quality requirements, the Draft EA concludes that the project is not expected to significantly affect air quality or scenic visibility, including visibility associated with the nearby Class I airshed.

See Table 3: Assessment of Significant (ARM 17.4.608)

Noise, Human Presence, Wildlife Displacement and Monitoring Interference

Commenters state that drilling noise, traffic, lighting, and continuous human presence could displace wildlife from water, shade, and other habitat resources in the Snowberry Drainage. The landowner (FRR) also asserts that noise could interfere with its wildlife biologist's monitoring and species research and requests coordination to avoid interference with those programs.

DEQ evaluated noise, lighting, equipment activity, human presence, and wildlife displacement in the Draft EA. Drill rigs, water trucks, pickup trucks, generators, support equipment, and travel on existing roads may produce noise audible beyond the immediate work area where topography and vegetation do not attenuate sound. The Draft EA also recognizes that nighttime lighting and human activity may temporarily affect wildlife behavior near active work areas.

The Draft EA concludes that wildlife may be temporarily displaced from active drilling and reclamation areas but may use suitable surrounding habitat and return after operations and reclamation are complete. The proposed action is limited to four drill sites, four internal drill sumps, one laydown area, and up to 2.48 acres of new surface disturbance. It does not authorize permanent facilities, mine development, ore processing, long-term land conversion, or permanent habitat removal. The Draft EA concludes that effects on terrestrial, avian, and aquatic resources would be localized, temporary, and not significant.

The Applicant proposes directional, downward-facing lighting to reduce offsite illumination, reduced vehicle speeds when fugitive dust is observed, containment of drilling fluids and cuttings, secondary containment where appropriate, spill-prevention and response measures, and reclamation of disturbed ground. These measures are intended to limit the area and duration of exploration-related effects and reduce secondary effects on drainage features and adjacent habitat.

The exploration rules require drilling fluids and cuttings to be contained at the drill site in tanks or sumps, or managed under a DEQ-approved plan, under ARM 17.24.105(2). They require vegetation removal and grading to be limited to the minimum necessary under ARM 17.24.105(4), and prohibit petroleum-product releases, with immediate removal and proper disposal of contaminated material if a release occurs, under ARM 17.24.105(7).

The Applicant must reclaim surface disturbance as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be restored to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary; where feasible, salvaged soil must be reapplied and disturbed areas revegetated. ARM 17.24.107(4), (10)–(12). Unless incorporated into a future operating-permit reclamation plan, exploration disturbance must be reclaimed within two years after completion or abandonment under § 82-4-332(4), MCA.

FRR's private wildlife-monitoring and research activities are not independently regulated through DEQ's MMRA exploration license process. The submitted MMRA provisions do not require the Applicant to coordinate its operational schedule with private monitoring or research programs. The exploration license also does not convey a property interest or independently authorize entry onto private property; the Applicant remains responsible for obtaining any required access rights and permissions and for complying with applicable law. ARM 17.24.101(5), (8), ARM 17.24.103(4), and ARM 17.24.153(1).

Coordination concerning private research, property access, field-work timing, or voluntary operational accommodations may be addressed between FRR and the Applicant, subject to applicable law and any private agreement. DEQ does not adjudicate private access rights or contractual obligations through this exploration license decision.

Based on the limited and temporary project scope, available surrounding habitat, proposed BMPs, and required reclamation, DEQ concludes that the proposed action is not expected to significantly affect wildlife use of the broader Snowberry Drainage or result in significant aesthetic, noise, or habitat effects.

See Table 3: Assessment of Significant (ARM 17.4.608)

Consolidated Response PE-7

Public comments were received on Draft EA Section 3, "Air Quality." These comments were read, coded as PE-7, grouped by common theme, and addressed in the consolidated responses below.

Flathead Reservation Class I Airshed and Tribal Interests

Commenters raised concerns regarding potential transport of particulate matter to the Flathead Reservation and requested confirmation of consultation with the Confederated Salish and Kootenai Tribes (CSKT). DEQ considered the Reservation's proximity and air-quality resources in the Draft EA.

DEQ evaluated the Flathead Reservation's proximity and potential air-quality effects in the Draft EA. The Draft EA identifies the Flathead Reservation as the nearest Class I airshed, less than one mile south of the project area, and states that air quality in the immediate project area complies with National Ambient Air Quality Standards.

The proposed action is limited to four temporary drill sites, one laydown area, and up to 2.48 acres of disturbance. It does not authorize mine development, ore processing, crushing, blasting, permanent waste facilities, or other long-term industrial emission sources. Potential emissions would be limited to temporary equipment exhaust and fugitive dust from drilling, vehicle travel, construction, and reclamation.

The Applicant proposes wet drilling to suppress dust and reduced vehicle speeds when fugitive dust is observed. ARM 17.24.105(4) requires vegetation removal and grading to be limited to the minimum necessary for exploration, thereby limiting exposed soil and potential dust generation. The Applicant must follow the approved exploration plan under ARM 17.24.103(4) and comply with applicable federal and state law and DEQ rules under ARM 17.24.153(1).

The Applicant must reclaim disturbed surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be returned to stable configurations approximating original contour to the extent possible; where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture. ARM 17.24.107(4), (10)–(11). Unless incorporated into a future operating-permit reclamation plan, exploration disturbance must be reclaimed within two years after completion or abandonment under § 82-4-332(4), MCA. These requirements limit the duration of exposed soil and temporary dust-generating disturbance.

Based on the limited and temporary exploration program, 2.48-acre disturbance footprint, absence of high-emission industrial activities, proposed wet-drilling and reduced-speed BMPs, and the Draft EA's air-quality analysis, DEQ concludes that fugitive dust and equipment exhaust are not expected to significantly affect the Flathead Reservation Class I airshed.

DEQ therefore did not conduct formal consultation with CSKT for this MMRA exploration license decision. This determination is limited to the proposed exploration activity and does not alter the Applicant's obligation to comply with any applicable tribal, federal, state, or local requirements outside DEQ's MMRA exploration license authority.

See Table 3: Assessment of Significant (ARM 17.4.608)

Fugitive Dust, Equipment Exhaust, and Air-Quality Controls

Commenters note that the Draft EA identifies air-quality impacts as high in severity and asserts that daily drilling, hauling, and mechanized equipment would generate significant dust particulates and exhaust emissions.

The Draft EA recognizes that exploration and reclamation may generate fugitive dust and equipment exhaust. Its severity characterization describes the potential intensity of emissions while equipment operates; it is not, by itself, a finding that the proposed action would significantly affect air quality. DEQ evaluates significance under ARM 17.4.608 using the potential impact's severity, duration, geographic extent, frequency, probability, cumulative effects, affected-resource characteristics, precedent, and consistency with applicable laws, plans, and policies.

Potential emissions would occur principally near active drill rigs, support equipment, unpaved travel routes, temporary work areas, and disturbed ground during exploration and reclamation. The proposed

action is limited to four drill sites, one laydown area, and up to 2.48 acres of temporary disturbance. It does not authorize high-volume ore hauling, blasting, crushing, milling, ore processing, permanent waste facilities, or other long-term stationary emission sources. The Draft EA concludes that the project would add a temporary increment of dust and exhaust and would not cause significant direct, secondary, or cumulative air-quality effects.

The Applicant proposes wet drilling to suppress dust at active drill sites and reduced vehicle speeds when fugitive dust is observed. Wet drilling is intended to control particulate matter at the source, while reduced speeds are intended to limit dust entrainment from unpaved roads and work surfaces.

ARM 17.24.105(4) requires vegetation removal and grading to be limited to the minimum area necessary for exploration, reducing exposed soil and associated dust potential. DEQ may require interim revegetation for erosion control under ARM 17.24.105(10). The submitted MMRA exploration provisions do not establish project-specific particulate-matter or opacity limits or prescribe particular dust-control measures; however, the Applicant must comply with all applicable federal and state law and DEQ rules under ARM 17.24.153(1).

Reclamation further limits post-operation dust potential. The Applicant must reclaim surface disturbance as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be returned to stable configurations approximating original contour to the extent possible; where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture as soon as practicable after grading and during the appropriate season. ARM 17.24.107(4), (10)–(12).

Section 82-4-336(10), MCA, applies to reclamation plans for operating permits and is not an independent exploration license standard. The applicable exploration standards instead require disturbance minimization, stabilization, soil replacement where feasible, and revegetation.

Based on the temporary and localized nature of emissions, the limited four-site and 2.48-acre scope, the absence of high-emission industrial activities, the Applicant's wet-drilling and reduced-speed BMPs, and required reclamation, the Draft EA concludes that fugitive dust and equipment exhaust would not significantly affect air quality.

See Table 3: Assessment of Significant (ARM 17.4.608)

Consolidated Response PE-8

Public comments were received on Draft EA Section 6, "Unique, Endangered, Fragile or Limited Environmental Resources." These comments were read, coded as PE-8, grouped by common theme, and addressed in the consolidated responses below.

Wetlands, Springs, and Retained Water Features

Commenters assert that field observations identify the presence of retained water, pools, wallows, springs, wetland-like features, and a streambed in or near proposed drill sites. FRR disputes the Draft EA's finding that no mapped wetlands occur in the immediate project area and requests field-verified mapping, wetland delineation, buffers, and avoidance of wetland, riparian, and streambed features.

DEQ evaluated drainage features, surface water, wetlands, riparian habitat, and sediment transport in the Draft EA. The Draft EA identifies an unnamed ephemeral drainage within the project area and identifies drill site CODH-26-03 as the nearest proposed disturbance, approximately 50 to 100 feet upslope. It further states that no wetlands are mapped within the immediate project area and that the proposed action would not directly disturb mapped wetlands or riparian habitat.

The statement concerning mapped wetlands reflects the mapping and resource information available during preparation of the Draft EA; it does not establish that seasonal water, localized wet areas, pools, wallows, springs, or other small-scale hydrologic features are absent from the broader project area. DEQ considered the reported observations in evaluating final field siting, avoidance of sensitive features, and implementation of the exploration plan.

The Applicant proposes to limit disturbance to the approved footprint and use compacted earthen berms, plastic liners, lined sumps, secondary containment where appropriate, and spill-prevention and response kits. These measures are intended to contain drilling fluids and cuttings, minimize erosion and offsite transport of sediment and non-sediment contaminants, and reduce the potential for hazardous-substance releases. The Applicant also proposes stabilization, soil replacement where feasible, revegetation, and directional, downward-facing lighting during low-light operations.

The exploration rules require drilling fluids and cuttings to be contained at the drill site in tanks or sumps, or managed under a DEQ-approved plan, under ARM 17.24.105(2). They require disturbance minimization under ARM 17.24.105(4) and prohibit petroleum-product releases, with immediate removal and proper disposal of contaminated material if a release occurs, under ARM 17.24.105(7). Drill sites may not be constructed in natural flowing streams under ARM 17.24.105(3); trenches and other excavations must, insofar as possible, be located outside flowing streams under ARM 17.24.105(5); and spoil may not be placed in drainageways under ARM 17.24.105(6).

The MMRA exploration provisions do not establish a universal setback from every ephemeral feature, wetland indicator, retained-water area, or riparian feature, and they do not require a wetland delineation or specified buffer for every exploration license application. Instead, they require site-specific planning, containment, disturbance minimization, and reclamation. Sections 82-4-331 and 82-4-332, MCA; ARM 17.24.103 through 17.24.108.

The Applicant must follow the approved exploration plan. Under ARM 17.24.103(4), the Applicant may not depart from that plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe. If field conditions show that a pad, sump, laydown area, or associated disturbance cannot be constructed or operated consistently with the approved plan and applicable requirements, the Applicant must avoid or relocate the disturbance, or obtain DEQ approval before proceeding with a change.

The Applicant must reclaim affected surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be returned to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary; where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture. ARM 17.24.107(4), (10)–(12).

The current record does not establish that the reported features are delineated wetlands or that proposed drill pads, sumps, or the laydown area would be located within a wetland, streambed, or other feature protected by the applicable exploration rules. DEQ therefore does not require a site-specific wetland delineation or universal buffer as a condition of this exploration license decision. This determination does not authorize construction in a natural flowing stream, spoil placement in a drainageway, releases of drilling fluids or petroleum products, or any activity inconsistent with the approved plan or applicable law.

See Table 3: Assessment of Significant (ARM 17.4.608)

Groundwater and Hydrologic Protection

FRR raises concerns that drilling may intercept groundwater or alter hydrology supporting springs, pools, wetlands, and water-dependent habitat. FRR requests groundwater-specific controls, baseline monitoring, a stormwater and spill-prevention plan, sumpless drilling near sensitive areas, and ongoing surface-water and groundwater monitoring.

DEQ evaluated groundwater, surface water, stormwater, drilling fluids, sediment transport, and reclamation in the Draft EA. The Draft EA recognizes that groundwater may be encountered during drilling. Based on the limited and temporary exploration footprint, proposed BMPs, required drill-hole plugging, and reclamation, the Draft EA concludes that water-resource effects would be minimized and that the project's cumulative contribution to surface-water and groundwater effects would be minor and temporary. The Applicant is required to comply with the applicable local, county, state, and federal requirements pertaining to water quality.

The Applicant proposes lined sumps, compacted earthen berms, plastic liners, secondary containment where appropriate, and spill-prevention and response kits. The Applicant also proposes to contain drilling fluids and cuttings at each drill site, use wet drilling, reclaim disturbed sites through stabilization, soil replacement where feasible, and revegetation, and obtain drilling water from an existing municipal source rather than develop a new project-area water source.

ARM 17.24.105(2) requires drilling mud, water, other fluids, and waste cuttings to be contained at the drill site in storage tanks or sumps, or managed under a DEQ-approved plan. The rule does not require sumpless drilling, mud tanks, or offsite management of drilling fluids and cuttings for every exploration project. ARM 17.24.105(4) requires surface disturbance to be limited to the minimum necessary, and ARM 17.24.105(7) prohibits petroleum-product releases and requires immediate removal and proper disposal of contaminated material if a release occurs.

ARM 17.24.106 requires exploration drill holes to be plugged with five to ten feet of cement at the surface, subject to specified exceptions. Where drilling intercepts multiple aquifers, a beneficial-use aquifer, artesian groundwater, or conditions that could cause downward water loss, the drill hole must be plugged with bentonite or a similar material from the bottom to within five to ten feet of the surface and cemented to the surface. ARM 17.24.106(1)–(2). Drill holes generally must be plugged before the rig is removed. ARM 17.24.106(4). If artesian flow cannot be stopped, the operator must obtain a DEQ discharge permit or develop the hole as a water well in compliance with applicable law; the water-well alternative requires landowner concurrence and compliance with applicable water-quality requirements. ARM 17.24.106(5).

The Applicant must reclaim affected surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be restored to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary; where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture. ARM 17.24.107(4), (10)–(12).

Baseline and ongoing water monitoring are not required for every exploration license. Under § 82-4-355(2)(b), MCA, DEQ must require a DEQ-approved water-quality monitoring program, water-quantity monitoring program, or both before exploration only when it determines that the operation presents a great potential to adversely affect surface-water or subsurface-water quality or quantity.

Based on the Draft EA, the Applicant's proposed BMPs, required fluid containment and drill-hole plugging, the limited and temporary project footprint, and required reclamation, DEQ does not make that determination for this project. DEQ therefore does not require baseline water monitoring or ongoing surface-water or groundwater monitoring as conditions of this exploration license decision. This determination does not relieve the Applicant of its obligation to comply with the approved exploration plan, the MMRA, applicable rules, or other applicable federal and state law.

See Table 3: Assessment of Significant (ARM 17.4.608)

Special Status Wildlife and Habitat

FRR asserts that the project area supports special-status wildlife and habitat, including possible grizzly-bear travel and foraging habitat, retained-water and thermal-refuge areas, aspen and deciduous riparian woodland, and potential habitat for yellow-billed cuckoo and other species of concern. FRR requests further analysis and consultation with Montana Fish, Wildlife & Parks and the U.S. Fish and Wildlife Service.

DEQ evaluated terrestrial, avian, and aquatic resources; vegetation; unique, endangered, fragile, or limited resources; noise; lighting; temporary wildlife displacement; and cumulative effects in the Draft EA. The Draft EA recognizes that equipment, vehicles, noise, lighting, and human presence may temporarily displace wildlife from active work areas. It concludes that, given the limited footprint and temporary duration, displaced wildlife may use suitable surrounding habitat and may return after exploration and reclamation.

The Draft EA does not assume that wildlife will not be displaced. It identifies temporary displacement as a potential direct effect and concludes that the effect would be localized and short term because of the four-site, 2.48-acre footprint, available adjacent habitat, proposed BMPs, and required reclamation.

The Applicant proposes to limit disturbance to the approved footprint; use one portable light plant with directional, downward-facing lighting as needed; use berms, liners, lined sumps, secondary containment where appropriate, and spill-prevention and response materials; and reclaim disturbed areas through stabilization, soil replacement where feasible, and revegetation. The Applicant also proposes spot-pulling and use of a broadleaf post-emergent herbicide to manage disturbance-related weeds.

The exploration rules require vegetation removal and grading to be limited to the minimum necessary under ARM 17.24.105(4). Drilling fluids and cuttings must be contained at the drill site in tanks or sumps,

or managed under a DEQ-approved plan, under ARM 17.24.105(2). Petroleum-product releases are prohibited, and contaminated material must be immediately removed and properly disposed of if a release occurs, under ARM 17.24.105(7).

The Applicant must reclaim affected surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be restored to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary; where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture. ARM 17.24.107(4), (10)–(12). If revegetation is unsuccessful, the licensee must consult DEQ and make a second attempt using procedures expected to produce satisfactory revegetation. ARM 17.24.107(13).

The MMRA statutes and hard-rock mining rules do not require DEQ to consult FWP or USFWS for every exploration license application that may affect wildlife habitat, and they do not establish a consultation requirement based solely on the potential presence of grizzly bear, yellow-billed cuckoo, or other special-status wildlife habitat.

Section 75-1-201(1)(b), MCA, directs DEQ to consult with and request comments from agencies with jurisdiction or special expertise before preparing a detailed statement. Because DEQ has not determined that the proposed action would significantly affect the environment and is not preparing an environmental impact statement, that consultation provision does not apply to this exploration license decision.

Based on the Draft EA's review, the limited and temporary exploration scope, proposed BMPs, available surrounding habitat, and required reclamation, DEQ concludes that the project is not expected to significantly affect terrestrial, avian, or aquatic life or habitat. The record therefore does not support additional consultation with FWP or USFWS for this MMRA exploration license decision.

See Table 3: Assessment of Significant (ARM 17.4.608)

Field Verification, Mapping, and Agency Coordination

FRR contends that mapped information does not accurately portray on-the-ground water, wetland, or habitat conditions and requests corrected GIS information, wetland delineation, baseline studies, and consultation with wildlife agencies before DEQ issues a decision.

DEQ verified the proposed drill-pad, sump, laydown-area, and related disturbance locations shown on the project maps using the Applicant's GPS coordinates. Based on the information in the administrative record, DEQ finds that the mapped disturbance locations are accurate. This verification confirms the locations of proposed disturbance; it does not establish that small-scale, seasonal, or unmapped water, wetland, or habitat features are absent from the broader project area.

Under § 82-4-332(2), MCA, and ARM 17.24.103(1)(c), an exploration application must include a map or sketch and plan of operations sufficiently detailed to locate the exploration area and actual proposed disturbances, identify the proposed exploration techniques, and allow DEQ to determine whether significant environmental problems may be encountered. The plan must also include sufficient

reclamation information for DEQ to determine whether the applicable performance and reclamation requirements will be met.

The Draft EA evaluates the proposed action using the Applicant's plan, GPS-verified disturbance locations, mapped information, available resource databases, and other information in the administrative record. DEQ considered site-specific information submitted during public comment in evaluating proposed disturbance locations, the Draft EA, and applicable MMRA exploration standards.

The Applicant must limit disturbance to the approved exploration footprint; contain drilling fluids and cuttings at the drill site; implement erosion, sediment, and spill-prevention measures; plug drill holes under ARM 17.24.106; and reclaim disturbed areas. The rules independently require drilling fluids and cuttings to be contained in tanks or sumps, or managed under a DEQ-approved plan, under ARM 17.24.105(2); limit vegetation removal and grading to the minimum necessary under ARM 17.24.105(4); and prohibit drill-site construction in natural flowing streams under ARM 17.24.105(3).

The Applicant must reclaim affected surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be returned to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary; where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture. ARM 17.24.107(4), (10)–(12).

The MMRA statutes and exploration rules do not require field verification, wetland delineation, baseline studies, corrected GIS mapping, or consultation with Montana Fish, Wildlife & Parks or the U.S. Fish and Wildlife Service for every exploration license application. They also do not establish a consultation trigger based solely on the potential presence of special-status wildlife or habitat.

Section 75-1-201(1)(b), MCA, directs DEQ to consult with and request comments from agencies with jurisdiction or special expertise before preparing a detailed statement. Because DEQ has not determined that the proposed action would significantly affect the environment and is not preparing an environmental impact statement, that consultation provision does not apply to this exploration license decision.

Any authorization is limited to the locations, methods, BMPs, and reclamation measures in the approved exploration plan. Under ARM 17.24.103(4), the Applicant may not depart from that plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe. The exploration license does not authorize disturbance outside the approved footprint or activities inconsistent with the MMRA, applicable rules, or other applicable law.

See Table 3: Assessment of Significant (ARM 17.4.608)

Consolidated Response PE-10

Public comments were received on Draft EA Section 9, "Demands on Environmental Resources of Land, Water, Air and Energy." These comments were read, coded as PE-10, grouped by common theme, and addressed in the consolidated responses below.

Municipal Water Use and Cumulative Demand on Groundwater Resources

The landowner states that the project would withdraw and consume up to 16,000 gallons of municipal well water per day from the City of Hot Springs water system and asserts that this use would add to cumulative demand on the local water-supply aquifer.

DEQ evaluated the proposed water demand in the Draft EA. During active drilling, the Applicant proposes to purchase and transport up to approximately 16,000 gallons per day from the existing City of Hot Springs municipal water system. The proposed action does not include a new well, development of a new groundwater source, or direct withdrawal of surface water or groundwater within the exploration area. Water use would end when drilling is complete.

The Draft EA identifies the municipal system as supplied by three existing wells and concludes that the proposed withdrawal would be comparable to other existing public-system demands. It further concludes that temporary use of up to 16,000 gallons per day would be a small increment of existing demand and is not expected to measurably affect overall water availability or aquifer capacity.

Using the existing municipal system avoids a project-specific water well or diversion in the exploration area. Water would be transferred through piping and valving into water trucks and used for wet drilling to cool and lubricate the drill bit, carry cuttings from the hole, and suppress dust. The Applicant also proposes lined sumps, berms, plastic liners, secondary containment where appropriate, and spill-prevention and response kits to contain drilling fluids and cuttings and limit offsite transport of sediment or contaminants.

ARM 17.24.105(2) requires drilling mud, water, other fluids, and waste cuttings to be confined to the drill site in tanks or sumps, or managed under a DEQ-approved plan. ARM 17.24.105(7) prohibits petroleum-product releases and requires immediate removal and proper disposal of contaminated material if a release occurs.

ARM 17.24.106 requires exploration drill holes to be plugged with five to ten feet of cement at the surface, subject to specified exceptions. Where drilling intercepts multiple aquifers, a beneficial-use aquifer, artesian groundwater, or conditions that may cause downward water loss, the hole must be plugged with bentonite or a similar material from the bottom to within five to ten feet of the surface and cemented to the surface. ARM 17.24.106(1)–(2).

After exploration, drill sites must be returned to stable configurations approximating original contour to the extent possible; where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture as soon as practicable after grading and during the appropriate season. ARM 17.24.107(4), (10)–(12).

Based on the temporary use of an existing municipal supply, the absence of a new well or project-area water withdrawal, the Applicant's water-transfer and fluid-management BMPs, and required drill-hole plugging and reclamation, the Draft EA concludes that the proposed municipal-water use would be a small incremental demand and is not expected to significantly affect water availability or aquifer capacity.

See Table 3: Assessment of Significant (ARM 17.4.608)

Consolidated Response HP-6

Public comments were received on Draft EA Section 11, "Human Health and Safety." These comments were read, coded as HP-6, grouped by common theme, and addressed in the consolidated responses below.

Fugitive Dust, Respirable Particulate Matter, and Health

Commenters raise concerns that fine dust generated by exploration activities may include respirable silica-containing particles and could pose health risks, including respiratory irritation, chronic inflammation, silicosis, lung cancer, and chronic obstructive pulmonary disease.

DEQ evaluated fugitive dust and equipment exhaust in the Draft EA. The Draft EA recognizes that drilling, vehicle travel, temporary construction, and reclamation may generate dust and that mechanized equipment would produce exhaust. These emissions would occur principally near active equipment, temporary work areas, and travel routes and would be limited to the exploration and reclamation period.

The Draft EA does not identify analytical information establishing that dust from the proposed exploration would contain respirable crystalline silica at concentrations associated with the health effects identified in the comments. The analysis addresses reasonably foreseeable emissions from the temporary exploration program; it does not authorize mine development, ore processing, crushing, milling, or other long-term activities that could create materially different emission sources or exposure conditions.

The Applicant proposes wet drilling to suppress dust at active drill sites, reduced vehicle speeds when fugitive dust is observed, limited disturbance within the approved footprint, and reclamation of temporary disturbance. Wet drilling is intended to control dust at its source, while reduced vehicle speeds are intended to reduce dust entrainment from unpaved roads and work surfaces.

ARM 17.24.105(4) requires vegetation removal and grading to be limited to the minimum area necessary for exploration, reducing exposed soil and dust-generating disturbance. DEQ may require interim revegetation for erosion control under ARM 17.24.105(10). The Applicant must comply with all applicable federal and state law and DEQ rules under ARM 17.24.153(1).

The MMRA exploration provisions do not establish occupational exposure limits, respirable-silica standards, specified particulate-matter limits, or a personal protective equipment program for exploration activities. Occupational-exposure controls and worker-protection requirements are administered under laws and programs outside this exploration license decision. The Draft EA distinguishes potential work-area exposure from public exposure: project personnel would be nearest active equipment and disturbed surfaces, while dust moving beyond the work area would be subject to atmospheric dispersion, the Applicant's BMPs, and applicable air-quality requirements.

The Draft EA states that appropriate personal protective equipment would minimize worker exposure to dust and exhaust. This MMRA decision does not approve a particular personal protective equipment program, and the Applicant remains responsible for complying with applicable worker-health and safety requirements.

The Applicant must reclaim disturbed surface areas as reasonably required by DEQ under § 82-4-332(1)(b), MCA, and ARM 17.24.103(1)(d). Drill sites must be restored to stable configurations approximating original contour to the extent possible; where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture as soon as practicable after grading and during the appropriate season. ARM 17.24.107(4), (10)–(12).

Based on the temporary and localized activity, limited disturbance footprint, proposed wet-drilling and reduced-speed BMPs, required disturbance minimization and reclamation, and applicable air-quality requirements, the Draft EA concludes that fugitive dust and equipment exhaust are not expected to result in significant human-health effects. This conclusion is limited to the proposed exploration activity and does not authorize mine development, ore processing, crushing, milling, or other long-term emission sources.

See Table 3: Assessment of Significant (ARM 17.4.608)

Water-hauling Traffic and Safety

Commenters state that transportation of drilling water would require two 2,000-gallon water trucks and up to eight daily round trips on public roads, including Highway 28 and Battle Butte Road, which raises concerns about congestion, vehicle exhaust, and roadway-safety risks.

The Draft EA evaluates the Applicant's proposal to obtain drilling water from the City of Hot Springs municipal system. During active drilling, the Applicant proposes to use up to approximately 16,000 gallons per day and transport water using no more than two 2,000-gallon trucks. At the maximum volume, up to eight truckloads per day may be required, although actual trips would depend on water demand, truck capacity, and operating conditions. The Draft EA recognizes that water hauling would temporarily increase project-related traffic on roads used to access the municipal source and exploration area.

The Applicant would use the existing municipal source rather than construct a new well or water-supply facility in the project area. Water hauling would occur only during the temporary drilling period. The Applicant proposes reduced vehicle speeds when fugitive dust is observed, wet drilling to suppress dust at active drill sites, and reclamation of temporary disturbance after operations. These measures reduce dust from unpaved roads and work surfaces and limit the duration of disturbed ground.

Project access would use existing public, county, and private roads. Project traffic remains subject to applicable local, seasonal, weight-limit, access, and safety restrictions imposed by the governmental entity or landowner with authority over the affected road.

ARM 17.24.103(1)(c) requires an exploration plan and map or sketch identifying the exploration area, proposed disturbance, and exploration techniques. Under ARM 17.24.103(4), the Applicant may not depart from the approved plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe. All exploration operations must comply with ARM 17.24.103 through 17.24.108, and the operator is responsible for project-related violations by its employees, agents, contractors, and subcontractors under ARM 17.24.101(5), (8).

The exploration rules do not establish truck-routing requirements, traffic-volume thresholds, highway-safety standards, or DEQ authority to regulate traffic on public highways. Traffic safety, vehicle operation, road maintenance, and public-road restrictions are administered by the applicable transportation, county, municipal, law-enforcement, and road-management authorities. DEQ's exploration license decision addresses compliance of the proposed temporary exploration activity and reclamation with the MMRA and applicable exploration rules.

Water hauling would not create a permanent traffic increase or require new public road or water supply infrastructure. Based on the temporary and intermittent hauling activity, use of existing roads and municipal infrastructure, proposed limits on water use and trucks, dust-control measures, reclamation, and compliance with applicable road and safety requirements, the Draft EA concludes that the project would not significantly affect human health, safety, demand for government services, or traffic infrastructure. This conclusion is limited to the proposed exploration program and does not authorize mine development, processing, or other long-term activity that could create greater traffic volumes or roadway demands.

See Table 3: Assessment of Significant (ARM 17.4.608)

Consolidated Response HP-11

Public comments were received on Draft EA Section 16, "Locally Adopted Environmental Plans and Goals." These comments were read, coded as HP-11, grouped by common theme, and addressed in the consolidated responses below.

Private Plans and Carbon Credits

FRR states that it owns the surface estate and private roads in the project area and has wildlife-management, biodiversity, ranching, and carbon-credit commitments. FRR asserts that drilling-related disturbance could impair forest health, biodiversity, habitat-restoration activities, carbon-credit value, and related private contractual obligations.

DEQ evaluated reasonably foreseeable effects on vegetation, wildlife habitat, water resources, aesthetics, and cumulative conditions in the Draft EA. The proposed action is limited to four temporary drill sites, one laydown area, and up to 2.48 acres of new surface disturbance. The Draft EA concludes that vegetation removal, localized wildlife displacement, and related effects would be temporary and that disturbed areas would be reclaimed and revegetated after exploration.

The Applicant proposes to limit disturbance to the approved footprint and use compacted earthen berms, plastic liners, lined sumps, secondary containment where appropriate, and spill-prevention and response kits to reduce erosion and offsite movement of sediment and non-sediment contaminants. The Applicant also proposes spot-pulling and a broadleaf post-emergent herbicide for weed management, directional and downward-facing lighting during low-light operations, and reclamation through stabilization, soil replacement where feasible, and revegetation with an approved seed mixture.

ARM 17.24.105(1) requires suitable and practicably salvageable soil to be salvaged before disturbance and stockpiled or used for immediate reclamation. ARM 17.24.105(4) requires vegetation removal and

grading to be limited to the minimum area necessary, and ARM 17.24.105(10) authorizes DEQ to require interim revegetation for erosion control.

After drilling, drill sites must be returned to stable configurations approximating original contour to the extent possible; where necessary, compacted surfaces must be loosened and appropriate drainage provided. Where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture as soon as practicable after grading and during the appropriate season. ARM 17.24.107(4), (10)–(12). If revegetation is unsuccessful, the licensee must seek DEQ's advice and make a second attempt using procedures expected to produce satisfactory revegetation. ARM 17.24.107(13).

DEQ's exploration license authority is limited to administering the MMRA and its implementing rules. Under § 82-4-332(1)–(3), MCA, and ARM 17.24.103(1), an applicant must submit an exploration plan identifying the proposed exploration and reclamation, agree to reclaim disturbed areas as reasonably required by DEQ, and submit a reclamation bond. Under ARM 17.24.103(4), the Applicant may not depart from the approved plan without DEQ approval except in an emergency or suddenly threatened or existing catastrophe.

FRR's wildlife-management, biodiversity, ranching, habitat-restoration, and carbon-credit commitments provide relevant context for identifying existing land uses and evaluating physical effects on vegetation, habitat, water, erosion, and aesthetics. However, private carbon-credit agreements, biodiversity programs, conservation arrangements, and contractual commitments do not independently establish substantive approval criteria under the MMRA exploration license provisions.

The cited statutes and rules do not authorize DEQ to determine the economic value, eligibility, verification, issuance, transfer, or enforceability of private carbon credits; interpret or enforce private agreements; adjudicate property rights; or administer private habitat- or carbon-credit programs. Those issues remain between the relevant parties and any forum with jurisdiction over the agreements. The Applicant remains responsible for complying with applicable federal and state laws and DEQ rules under ARM 17.24.153(1).

See Table 3: Assessment of Significant (ARM 17.4.608)

Project Locations and Notice

Commenters request exact GIS coordinates of any surface disturbances and expresses concern that the Draft EA maps do not provide adequate site-specific information to assess potential impacts to its carbon-credit plot and current on-the-ground conditions.

Under § 82-4-332(2), MCA, and ARM 17.24.103(1)(c), an exploration application must include a plan and map or sketch sufficiently detailed to locate the exploration area and actual proposed disturbances, identify the exploration techniques that would disturb land, and allow DEQ to determine whether significant environmental problems may be encountered. The plan must also include sufficient reclamation information for DEQ to determine whether the applicable exploration performance and reclamation requirements will be met.

The Draft EA describes and maps the proposed exploration footprint: four drill sites, four drill holes, one laydown area, and up to 2.48 acres of temporary new surface disturbance. DEQ reviewed the project maps and associated application materials in its environmental analysis.

DEQ also verified the mapped drill pads, sumps, laydown area, and related disturbance locations using the Applicant's GPS coordinates. Based on the administrative record, DEQ finds that the mapped disturbance locations are accurate. This verification confirms the proposed locations; it does not establish that smaller-scale, seasonal, or unmapped water, wetland, or habitat features are absent from the broader project area.

Neither § 82-4-332, MCA, nor ARM 17.24.103(1)(c) requires an applicant to provide the public with a coordinate table, GIS shapefiles, or coordinates in a particular datum, projection, or file format. The applicable standard is whether the plan and map or sketch provide enough detail to locate proposed disturbance and allow DEQ to evaluate potential environmental effects. Exact coordinates, when included in the application or supporting materials, may provide greater precision for comparison with a carbon-credit plot, restoration unit, habitat-management area, or other site-specific land-management feature.

The exploration plan defines the authorized disturbance footprint. Under ARM 17.24.103(4), the Applicant may not relocate, expand, or otherwise depart from the approved plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe. A relocation of a drill site, sump, laydown area, access feature, or other disturbance outside the approved footprint therefore requires prior DEQ approval.

The Applicant's proposed measures and applicable rules require disturbance minimization, soil salvage, erosion control, drilling-fluid containment, stabilization, and revegetation. ARM 17.24.105(1), (4), (10) and ARM 17.24.107(4), (10)–(13) require soil salvage, limit vegetation removal and grading, authorize interim revegetation, and require stable recontouring, soil replacement where feasible, and revegetation after exploration.

Private carbon-credit boundaries and contractual commitments may be relevant context for evaluating physical effects on vegetation, soil, water, and habitat. They do not, however, create a separate mapping or approval standard under the MMRA exploration provisions. DEQ's determination is whether the proposed disturbances are sufficiently identified, their environmental effects have been evaluated, and the project complies with the MMRA and its implementing rules.

See Table 3: Assessment of Significant (ARM 17.4.608)

Water Resources and Drainage

Commenters assert that two proposed drill sites may be in a stream bottom and raises concerns regarding the proximity of drill pad CODH-26-03 to an ephemeral drainage; possible groundwater interception; lack of local static groundwater data; and potential effects on aquifers, pools, wetlands, springs, natural flow patterns, and related biodiversity or carbon-credit values.

DEQ evaluated surface water, groundwater, drainage features, drilling fluids, sediment transport, and cumulative water-resource effects in the Draft EA. The Draft EA identifies an unnamed ephemeral

drainage and identifies CODH-26-03 as the nearest proposed disturbance, approximately 50 to 100 feet upslope. It also states that no wetlands are mapped within the immediate project area and that the proposed action would not directly disturb mapped wetlands or riparian habitat. The drainage's ephemeral designation does not eliminate the Applicant's duty to prevent erosion, sediment delivery, or releases of drilling fluids and other materials.

The Applicant proposes compacted earthen berms, plastic liners, lined sumps, secondary containment, and spill-prevention and response kits to limit erosion and offsite transport of sediment and contaminants. The Applicant also proposes to contain drilling fluids and cuttings at each drill site, use wet drilling, reclaim disturbance after exploration, and obtain drilling water from an existing municipal source rather than develop a new well or surface-water source in the project area.

The exploration rules require drilling fluids and cuttings to be contained in tanks or sumps at the drill site, or managed under a DEQ-approved plan, under ARM 17.24.105(2). Drill sites may not be constructed in natural flowing streams under ARM 17.24.105(3). Vegetation removal and grading must be limited to the minimum area necessary, and DEQ may require interim revegetation for erosion control, under ARM 17.24.105(4), (10). Petroleum-product releases are prohibited, and contaminated material must be immediately removed and properly disposed of if a release occurs. ARM 17.24.105(7).

If a proposed drill site is within a natural flowing stream, construction at that location is prohibited. If a disturbance is outside a natural flowing stream but near an ephemeral drainage, the Applicant must still contain drilling fluids and cuttings, minimize disturbance, implement approved erosion and sediment controls, and comply with all other applicable requirements.

The Draft EA does not assume that groundwater will not be encountered. ARM 17.24.106 requires exploration drill holes to be plugged with cement at the surface. Unless DEQ approves an exception, holes intercepting multiple aquifers, a beneficial-use aquifer, artesian groundwater, or conditions posing potential downward water loss must be plugged with bentonite or a similar material from the bottom to within five to ten feet of the surface and cemented to the surface. ARM 17.24.106(1)–(2).

A drill hole generally must be plugged before the rig is removed. ARM 17.24.106(4). If artesian flow cannot be stopped, the operator must obtain a DEQ discharge permit or develop the hole as a water well in compliance with applicable law; a water-well alternative requires landowner concurrence, compatibility with the approved postmining land use, and compliance with applicable water-quality standards. ARM 17.24.106(5). In areas or formations with known artesian-well potential, bonding must be adequate to ensure artesian-hole plugging under ARM 17.24.106(6).

After drilling, sites must be returned to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary. Where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture as soon as practicable after grading and during the appropriate season; unsuccessful revegetation requires another attempt. ARM 17.24.107(4), (10)–(13).

The Draft EA concludes that the proposed BMPs, mandatory fluid containment, drill-hole plugging, and reclamation would limit the project's cumulative contribution to surface-water and groundwater effects to minor and temporary levels. That conclusion is limited to the proposed temporary exploration program; it does not authorize mining, ore processing, or long-term water-management infrastructure.

The exploration plan defines the authorized locations and scope of disturbance. Under ARM 17.24.103(4), the Applicant may not move, expand, or otherwise depart from that plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe. If site-specific information establishes that a proposed location is within a natural flowing stream, it may not be used as a drill site under ARM 17.24.105(3); any alternative location or material plan change requires DEQ review and approval before implementation.

See Table 3: Assessment of Significant (ARM 17.4.608)

Wildlife Surveys and Habitat Use

Commenters state that the Snowberry drainage is used for wildlife surveys supporting its biodiversity and carbon-credit program. It contends that drilling, noise, lighting, disturbance, and reduced access to water or forage could affect species presence, density, habitat use, and monitoring of wildlife, including deer, elk, bears, mountain lion, and potentially threatened or endangered species.

DEQ evaluated potential effects on terrestrial, avian, and aquatic life and habitat in the Draft EA. The Draft EA recognizes that drilling, vehicles, noise, temporary lighting, and human presence may cause wildlife to avoid or be temporarily displaced from active work areas. It concludes that suitable habitat is available in the surrounding area, displacement would be limited to exploration and reclamation, and wildlife may return after reclamation.

The proposed action is limited to four temporary drill sites, one laydown area, and up to 2.48 acres of disturbance. Potential wildlife effects are principally limited to temporary avoidance of active work areas, localized vegetation disturbance, drilling and vehicle noise, and limited lighting when low-light operations are necessary. These effects may influence the timing or location of wildlife observations near active work areas during drilling, but the Draft EA does not identify a basis to conclude that the project would cause a lasting reduction in wildlife abundance, permanent habitat loss, or permanent interruption of wildlife use in the broader drainage.

ARM 17.24.102(8) requires a description of the existing environment, using appropriate maps, that addresses vegetation, wildlife, hydrology, and aquatic biology. This framework supports DEQ's consideration of wildlife habitat and water-related habitat features affected by the proposed activity.

The Applicant proposes to limit disturbance to the approved footprint and use directional, downward-facing lighting, with one portable light plant only as needed for low-light operations. The Applicant also proposes berms, liners, lined sumps, secondary containment where appropriate, and spill-prevention and response kits to limit sediment and contaminant transport to nearby drainage features and habitat.

ARM 17.24.105(2) requires drilling fluids and cuttings to be contained at the drill site in tanks or sumps, or managed under a DEQ-approved plan. ARM 17.24.105(7) prohibits petroleum releases and requires immediate removal and proper disposal of contaminated material if a release occurs. These requirements reduce the potential for drilling-related materials to affect water-related habitat outside the work area.

The Applicant also proposes weed-control measures to reduce establishment and spread of weeds. Although the exploration rules do not prescribe the specific weed-control methods proposed, they

require surface disturbance to be limited to the minimum necessary under ARM 17.24.105(4), require salvage of suitable soil materials under ARM 17.24.105(1), and authorize interim revegetation for erosion control under ARM 17.24.105(10).

After drilling, sites must be returned to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary. Where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture as soon as practicable after grading and during the appropriate season; unsuccessful revegetation requires another attempt. ARM 17.24.107(4), (10)–(13). These measures are intended to limit the duration of disturbance and support vegetation recovery, although they do not guarantee that wildlife use or survey observations will immediately return to pre-disturbance patterns.

The MMRA exploration provisions do not require coordination with private wildlife-monitoring programs, biodiversity surveys, carbon-credit projects, or survey schedules. Private monitoring data may nevertheless be relevant where it identifies site-specific habitat use or other environmental conditions pertinent to DEQ's review.

Based on the limited and temporary exploration footprint, surrounding habitat availability, proposed BMPs, and required reclamation, the Draft EA concludes that the project is not expected to significantly affect terrestrial, avian, or aquatic life or habitat. This conclusion is limited to the proposed exploration activity and does not authorize mine development, ore processing, or other longer-term activities that could create different or more extensive habitat effects.

Consolidated Response HP-12

Public comments were received on Draft EA Section 22, "Other Appropriate Social and Economic Circumstances." These comments were read, coded as HP-12, grouped by common theme, and addressed in the consolidated responses below.

Carbon-Credit Program, Biodiversity Value, and Potential Economic Effects

The landowner states that it has enrolled its property in a carbon-credit program and that a carbon-sequestration measurement plot is located within the proposed project area. The landowner asserts that surface disturbance, tree or vegetation removal, and potential effects on water resources, wetlands, springs, wildlife habitat, and biodiversity could cause direct, quantifiable, and potentially irreversible effects on the value of the landowner's carbon credits and related conservation commitments.

DEQ evaluated temporary disturbance, vegetation removal, reclamation, and cumulative effects in the Draft EA. The proposed action is limited to four drill sites, four drill holes, one laydown area, and up to 2.48 acres of new disturbance. The Draft EA concludes that vegetation removal and ground disturbance would be localized and temporary and that disturbed ground would be reclaimed and revegetated after exploration.

The Applicant proposes to limit activities to the approved footprint; recontour and stabilize disturbed sites; reapply salvaged soil where feasible; revegetate with a DEQ-approved, weed-free seed mixture; and use spot-pulling and a broadleaf post-emergent herbicide for weed control. The Applicant also

proposes berms, plastic liners, lined sumps, secondary containment where appropriate, and spill-prevention and response kits to reduce erosion and limit offsite transport of sediment and other contaminants.

These measures address the physical resources relevant to carbon-credit and biodiversity programs, including vegetation, soil stability, water resources, drainage features, habitat, and invasive-plant establishment. They do not determine whether carbon-accounting, credit-verification, permanence, buffer-pool, registry, contractual, or financial effects would occur. Those questions depend on the applicable carbon-credit program and private agreements, which are not administered through the MMRA exploration license process.

ARM 17.24.105(1) requires suitable and practicably salvageable soil to be retained for stockpiling or immediate reclamation. ARM 17.24.105(4) requires vegetation removal and grading to be limited to the minimum necessary, and ARM 17.24.105(10) authorizes DEQ to require interim revegetation for erosion control.

After drilling, sites must be returned to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary. Where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture as soon as practicable after grading and during the appropriate season. ARM 17.24.107(4), (10)–(12). If revegetation is unsuccessful, the licensee must consult DEQ and make another attempt using procedures expected to achieve satisfactory revegetation. ARM 17.24.107(13).

Under ARM 17.24.103(1)(c)–(e) and § 82-4-332(1)–(4), MCA, the Applicant must submit an exploration and reclamation plan, agree to reclaim disturbance as required by DEQ, and post a reclamation bond before the license may issue. Unless incorporated into a later operating-permit reclamation plan, exploration disturbance must be reclaimed within two years after completion or abandonment.

The reclamation bond secures the estimated cost to the State of completing required reclamation, contingency procedures, and associated monitoring under § 82-4-338, MCA, and ARM 17.24.140. It does not secure the private market value of carbon credits, asserted credit losses, or obligations under private conservation agreements.

DEQ's decision under § 82-4-332, MCA, and ARM 17.24.103 addresses whether the exploration plan, reclamation measures, and financial assurance comply with the MMRA and its rules. DEQ may evaluate the underlying physical effects on vegetation, soils, water, habitat, reclamation, and cumulative conditions, but the statutes and rules do not authorize DEQ to interpret or enforce private carbon-credit agreements; determine credit value, eligibility, verification, or permanence; award damages for lost credits; or administer private biodiversity and conservation programs.

Based on the limited and temporary footprint, required disturbance minimization and reclamation, proposed erosion, containment, and weed-management measures, and bonding requirements, the Draft EA concludes that the proposed exploration is not expected to significantly affect vegetation, land use, water resources, wildlife habitat, or related environmental values. This conclusion concerns the physical effects of the temporary exploration activity and does not determine effects on private carbon-credit valuation, contractual performance, registry requirements, or other private economic interests.

See Table 3: Assessment of Significant (ARM 17.4.608)

Wildlife Surveys and Biodiversity

FRR states that Snowberry drainage supports wildlife surveys used to quantify biodiversity for its carbon-credit program. FRR asserts that exploration-related activity, habitat disturbance, and possible effects on water and forage could displace wildlife or hinder its ability to monitor species presence, density, and habitat use, including deer, elk, bears, mountain lion, and potentially listed species.

DEQ evaluated terrestrial, avian, and aquatic life and habitat in the Draft EA. The Draft EA recognizes that drilling equipment, vehicle travel, noise, temporary lighting, and human presence may cause wildlife to avoid or be temporarily displaced from active work areas. It concludes that suitable habitat is available in the surrounding landscape and that wildlife may return after exploration and reclamation.

Temporary effects on survey results are distinct from permanent effects on wildlife populations or habitat function. Wildlife detections near active work areas may vary while drilling is underway, particularly if surveys overlap spatially and temporally with exploration. The Draft EA does not identify a basis to conclude that the limited, temporary project would result in lasting population-level effects, permanent habitat loss, or permanent interruption of wildlife use in the broader drainage.

The Applicant proposes to limit disturbance to the approved footprint and use directional, downward-facing lighting during low-light operations to reduce unnecessary light spill. The Applicant also proposes berms, plastic liners, lined sumps, secondary containment where appropriate, and spill-prevention and response kits to reduce erosion and prevent offsite transport of sediment and other contaminants to nearby habitat and drainage features.

ARM 17.24.105(2) requires drilling fluids and cuttings to be contained at the drill site in tanks or sumps, or managed under a DEQ-approved plan. ARM 17.24.105(7) prohibits petroleum-product releases and requires immediate removal and proper disposal of contaminated material if a release occurs.

The Applicant also proposes weed-control measures to reduce disturbance-related weed establishment. ARM 17.24.105(1) requires salvage of suitable soil before disturbance, ARM 17.24.105(4) limits vegetation removal and grading to the minimum area necessary, and ARM 17.24.105(10) authorizes DEQ to require interim revegetation for erosion control. These requirements limit the extent and duration of direct habitat disturbance.

After exploration, sites must be returned to stable configurations approximating original contour to the extent possible, with appropriate drainage where necessary. Where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture as soon as practicable after grading and during the appropriate season; unsuccessful revegetation requires another attempt. ARM 17.24.107(4), (10)–(13). These measures are intended to restore stable, vegetated conditions but do not guarantee immediate return to pre-disturbance wildlife-use patterns or survey results.

The MMRA exploration provisions do not require the Applicant to coordinate work schedules with private wildlife-monitoring programs, preserve the data value of those programs, or ensure that temporary project activity does not affect monitoring results. They also do not establish independent

standards for private biodiversity metrics, carbon-credit monitoring protocols, or conservation commitments.

Based on the limited and temporary exploration footprint, availability of surrounding habitat, proposed lighting, containment, erosion-control, and weed-management BMPs, and required reclamation, the Draft EA concludes that the project is not expected to significantly affect terrestrial, avian, or aquatic life or habitat. This conclusion is limited to the temporary exploration program and does not authorize mine development, ore processing, or other longer-term activities that could create materially different effects on wildlife habitat or biodiversity.

See Table 3: Assessment of Significant (ARM 17.4.608)

Consolidated Response MEPA

DEQ received many public comments regarding the MEPA process, which raise four themes requiring responses: surface-access and landowner consent issues; the adequacy of the private-property rights analysis; the adequacy of project-location and water resource information; and the request for additional conditions, revised environmental review, and republication.

Surface Access and Consent

FRR asserts that it owns the affected surface estate and private roads; that the Applicant lacks a surface-use, access, or license agreement; and that the Draft EA incorrectly implies consent by stating that facilities could remain if FRR requests it. FRR further asserts that the Applicant must obtain landowner approval under the Montana Landowner Notification Act before beginning work.

The Draft EA evaluates environmental effects of the proposed exploration activity. It does not adjudicate disputed surface, mineral, road-access, contractual-consent, or other private property rights. Those matters are separate from DEQ's MMRA exploration license and environmental-review determinations.

Under § 82-4-332(1)–(3), MCA, an exploration license applicant must submit a map or sketch sufficient to locate the exploration area and evaluate whether significant environmental problems may be encountered, agree to reclaim surface disturbance as reasonably required by DEQ, and submit a reclamation and revegetation bond before a license may issue. ARM 17.24.103(1)(c)–(e) similarly requires an exploration plan identifying proposed disturbances and techniques, a reclamation plan, a commitment to reclaim disturbance, and adequate bonding.

These provisions authorize DEQ to regulate environmental and reclamation aspects of exploration. They do not authorize DEQ to determine ownership of the surface or mineral estate; interpret deeds, leases, easements, licenses, or road-use agreements; determine whether the Applicant has a valid right of entry; or resolve private contractual disputes.

An exploration license is a regulatory authorization under the MMRA. It does not convey a property interest, authorize entry onto private property, establish a right to use private roads, create an easement, determine mineral-rights validity, or supersede separate legal obligations governing access, notice, or consent. DEQ's issuance of a license therefore does not determine that the Applicant has

obtained a surface-use agreement, road-use agreement, access right, landowner consent, or any other legal authorization necessary to enter the property or use private roads.

The Applicant remains responsible for obtaining and maintaining all access rights, permissions, notices, agreements, and other authorizations required by applicable law. ARM 17.24.153(1) requires compliance with applicable federal and state law and DEQ rules, and ARM 17.24.101(8) makes the operator responsible for project-related violations by its employees, agents, contractors, and subcontractors.

The Applicant may conduct only the activity and disturbance approved in the exploration plan. Under ARM 17.24.103(4), the Applicant may not depart from the approved plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe. This limitation governs DEQ's regulatory authorization; it does not create or resolve a private right of access.

The rules require reclamation after exploration. Drill sites must be returned to stable configurations approximating original contour to the extent possible; where feasible, salvaged soil must be reapplied and disturbed areas revegetated with a DEQ-approved seed mixture. ARM 17.24.107(4), (10)–(13). The rules also allow DEQ, upon a landowner's affirmative written request, to waive specified reclamation requirements for an access road, drill site, or facility retained for an identified, feasible, and practicable alternative purpose. ARM 17.24.107(3), (4), (7). This discretionary, post-exploration provision does not imply landowner consent to exploration, waive an access objection, or authorize facilities to remain absent a written landowner request and DEQ approval.

FRR's assertion regarding the Montana Landowner Notification Act concerns legal obligations outside DEQ's MMRA exploration license review. Nothing in the exploration license relieves the Applicant of compliance with applicable access, notice, property, or other legal requirements; conversely, license issuance does not resolve whether those requirements have been met. Disputes concerning access, surface-use consent, private-road use, ownership, or landowner-notification compliance must be addressed through the applicable legal process or by the authority with jurisdiction over those issues.

See Table 3: Assessment of Significant (ARM 17.4.608)

Private Property Analysis

FRR asserts that the Draft EA's private-property analysis is incomplete because it evaluates property interests from the Applicant's perspective rather than assessing claimed effects on FRR as the surface owner. FRR requests a revised analysis and renewed public review.

The Draft EA evaluates whether DEQ's approval of the exploration license amendment would itself result in a taking or damaging of private property rights and concludes that it would not. That assessment addresses the legal effect of DEQ's regulatory decision; it does not determine surface or mineral ownership, resolve access or surface-use disputes, adjudicate trespass claims, interpret private agreements, or determine compensation between private parties.

DEQ's role is to determine whether the application complies with the MMRA and its implementing rules and to complete the required environmental review. Under § 82-4-332(1)–(3), MCA, an applicant must identify the exploration area and methods, agree to reclaim surface disturbance as reasonably required by DEQ, and provide reclamation and revegetation bonding. ARM 17.24.103(1)(c)–(e) similarly requires a

sufficiently detailed exploration plan and map or sketch, adequate reclamation information, a reclamation commitment, and an adequate performance bond.

An exploration license is a regulatory authorization. It does not convey a property interest, easement, license, right of entry, surface-use right, or right to use private roads. Thus, DEQ's private-property assessment does not determine whether the Applicant has a legally sufficient private right to enter, occupy, or use a specific parcel or road.

The Applicant must agree to reclaim disturbance and submit a reclamation bond before an exploration license may issue under § 82-4-332(1)(b), (3), MCA. The bond secures the State's estimated cost of required reclamation, contingency procedures, and associated monitoring under § 82-4-338, MCA, and ARM 17.24.140. It does not resolve or compensate private claims for trespass, loss of use, diminished property value, breach of contract, or other private damages.

The Applicant proposes to limit disturbance to the approved footprint, stabilize and reclaim pads and other disturbance, reapply salvaged soil where feasible, revegetate with a DEQ-approved seed mixture, implement weed control, and use containment and spill-prevention measures. The exploration rules reinforce these measures by requiring soil salvage, minimizing vegetation removal and grading, and authorizing interim revegetation for erosion control. ARM 17.24.105(1), (4), (10).

After drilling, sites must be returned to stable configurations approximating original contour to the extent possible. Where necessary, compacted surfaces must be loosened and appropriate drainage provided; where feasible, salvaged soil must be reapplied and disturbed areas revegetated. ARM 17.24.107(4), (8), (10)–(13). These requirements limit the authorized acreage and duration of physical disturbance but do not determine whether the Applicant has an independent right to access a parcel, use a private road, or conduct operations over a surface owner's objection.

The exploration plan governs the location and scope of DEQ's authorization. Under ARM 17.24.103(4), the Applicant may not depart from that plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe. This restriction does not create access rights or resolve disputes regarding surface use, mineral rights, trespass, compensation, or consent.

If FRR contends that the Applicant lacks access authority, surface-owner consent, contractual compliance, or another legal prerequisite outside DEQ's exploration license program, DEQ's license decision neither resolves that issue nor excuses compliance with applicable law. ARM 17.24.153(1) requires the operator to comply with applicable federal and state law and DEQ rules.

Whether further environmental review or renewed notice is required depends on applicable MEPA and exploration license procedures and whether new information, a change in the agency action, or a material plan modification requires additional analysis. The ownership and access issues raised by FRR are not resolved through this exploration license decision and may be addressed through the legal process or by the authority with jurisdiction over those matters.

See Table 3: Assessment of Significant (ARM 17.4.608)

Site Information and Water Resources

FRR requests verified GIS coordinates for the proposed drill pads and further environmental evaluation of mapped water features. FRR raises concerns that proposed pads may be near or in stream bottoms; that groundwater may be encountered despite limited local groundwater data; and that the EA lacks sufficient analysis of potential effects on surface water, groundwater, springs, pools, wetlands, and drainage patterns.

Under § 82-4-332(2), MCA, and ARM 17.24.103(1)(c), an exploration application must include a plan and map or sketch sufficiently detailed to locate the exploration area and actual proposed disturbance and allow DEQ to determine whether significant environmental problems may be encountered.

DEQ verified the proposed drill-pad, sump, laydown-area, and related disturbance locations shown on the project maps using the Applicant's GPS coordinates. Based on the administrative record, DEQ finds that the mapped locations are accurate. This verification confirms the proposed disturbance locations; it does not establish that small-scale, seasonal, or unmapped water, wetland, or habitat features are absent from the broader project area.

The Draft EA maps and evaluates four drill sites, four drill holes, one laydown area, and up to 2.48 acres of temporary disturbance. It identifies CODH-26-03 as the closest proposed disturbance to an unnamed ephemeral drainage, approximately 50 to 100 feet upslope. The Draft EA also states that no wetlands are mapped in the immediate project area and that the proposed action would not directly disturb mapped wetlands or riparian habitat.

The ephemeral drainage remains a relevant feature for preventing erosion, sediment delivery, drilling-fluid releases, and other offsite effects. The Applicant proposes berms, plastic liners, lined sumps, secondary containment, and spill-prevention and response kits; containment of drilling fluids and cuttings at drill sites; wet drilling; drill-hole plugging; and reclamation through stabilization, soil replacement where feasible, and revegetation. The Applicant would obtain drilling water from an existing municipal supply rather than develop a new project-area water source.

The exploration rules independently require drilling fluids and cuttings to be contained at the drill site in tanks or sumps, or managed under a DEQ-approved plan, under ARM 17.24.105(2). Drill sites may not be constructed in natural flowing streams under ARM 17.24.105(3). Surface disturbance must be minimized, and DEQ may require interim revegetation for erosion control, under ARM 17.24.105(4), (10). Petroleum-product releases are prohibited, with immediate removal and proper disposal of contaminated material required if a release occurs. ARM 17.24.105(7).

The Draft EA recognizes that groundwater may be encountered. ARM 17.24.106 requires drill holes to be plugged with cement at the surface. Unless DEQ approves an exception, holes intersecting multiple aquifers, a beneficial-use aquifer, artesian groundwater, or conditions with potential for downward water loss must be plugged with bentonite or a similar material from the bottom to within five to ten feet of the surface and cemented to the surface. ARM 17.24.106(1)–(2).

Drill holes generally must be plugged before the rig is removed. ARM 17.24.106(4). If artesian flow cannot be stopped, the operator must obtain a DEQ discharge permit or develop the hole as a water well under applicable law; the latter option requires landowner concurrence, compatibility with the approved postmining land use, and compliance with water-quality requirements. ARM 17.24.106(5). In areas or

formations with known artesian-well potential, bonding must be adequate to ensure artesian-hole plugging under ARM 17.24.106(6).

These requirements apply if groundwater is encountered; they do not depend on an assumption that groundwater will be absent. The limited availability of local static groundwater data does not eliminate applicable containment, plugging, discharge-permitting, and reclamation requirements.

The Draft EA concludes that the Applicant's BMPs, mandatory fluid confinement, drill-hole plugging, limited disturbance footprint, and reclamation would reduce potential water-resource effects, and that the project's cumulative contribution to surface-water and groundwater effects would be minor and temporary.

If site-specific information establishes that a proposed location is within a natural flowing stream, it may not be used as a drill site under ARM 17.24.105(3). Under ARM 17.24.103(4), the Applicant may not relocate, expand, or otherwise materially depart from the approved plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe.

See Table 3: Assessment of Significant (ARM 17.4.608)

Additional Review and Conditions

FRR requests that DEQ revise and republish the Draft EA, conduct additional environmental evaluation, require verified drill-site coordinates, impose additional water-protection and property-protection conditions, and delay a decision until landowner consent and other asserted legal requirements are satisfied.

Under MEPA, the appropriate level of review depends on the proposed agency action and the applicable significance criteria, including ARM 17.4.608. The Draft EA evaluates direct, secondary, and cumulative effects of the proposed exploration activity on soils, water resources, air quality, vegetation, wildlife, cultural resources, aesthetics, human health and safety, resource demand, government services, recreation, social conditions, and private-property interests.

Public comments may provide factual information, identify inaccuracies, raise site-specific concerns, or propose mitigation. DEQ may determine whether information received during public review warrants clarification or revision of the EA, additional analysis, a change to the proposed action, or additional conditions authorized by the MMRA and its implementing rules.

Under § 82-4-332(2), MCA, and ARM 17.24.103(1)(c), an exploration application must identify the exploration area and actual proposed disturbances with sufficient detail for DEQ to determine whether significant environmental problems may be encountered. More detailed geospatial information may be relevant if necessary to evaluate the proposed footprint or potential effects on water features, wetlands, habitat, cultural resources, or other resources within DEQ's authority.

DEQ verified the proposed drill-pad, sump, laydown-area, and related disturbance locations shown on project maps using the Applicant's GPS coordinates. Based on the administrative record, DEQ finds that the mapped disturbance locations are accurate. This verification confirms proposed locations; it does not

establish that smaller-scale, seasonal, or unmapped water, wetland, or habitat features are absent from the broader project area.

The Draft EA evaluates the Applicant's proposed BMPs: berms, plastic liners, lined sumps, secondary containment where appropriate, spill-prevention and response kits, wet drilling, reduced vehicle speeds when dust is observed, directional lighting, weed control, drill-hole plugging, and reclamation through stabilization, soil replacement where feasible, and revegetation. The Applicant also proposes removal of exploration-related facilities at completion unless DEQ approves an applicable exception.

These measures are supplemented by enforceable rules. ARM 17.24.105(2) requires drilling fluids and cuttings to be contained in tanks or sumps, or managed under a DEQ-approved plan. ARM 17.24.105(3)–(4) prohibits drill sites in natural flowing streams and requires disturbance minimization. ARM 17.24.105(7) prohibits petroleum releases and requires immediate removal and proper disposal of contaminated material if a release occurs.

ARM 17.24.106 requires drilling-specific plugging measures when drilling intersects multiple aquifers, a beneficial-use aquifer, artesian groundwater, or conditions creating potential for downward water loss. After exploration, ARM 17.24.107(4), (8), and (10)–(13) requires stable recontouring, loosening of compacted surfaces where appropriate, soil replacement where feasible, revegetation, and a further revegetation attempt if necessary.

The exploration plan defines the activity DEQ may authorize. Under ARM 17.24.103(4), the Applicant may not depart from the plan without DEQ's prior verbal or written approval, except in an emergency or suddenly threatened or existing catastrophe. ARM 17.24.153(1) also requires compliance with applicable federal and state law and DEQ rules.

DEQ may impose measures reasonably related to compliance with the MMRA, its rules, and the environmental effects of the proposed exploration activity. Its authority does not extend to resolving private disputes concerning surface access, mineral ownership, trespass, contractual consent, road-use agreements, carbon-credit contracts, or compensation. An exploration license does not grant entry onto private property, authorize use of private roads, or resolve competing private property claims.

MEPA is an environmental-review process; it does not independently expand DEQ's substantive authority. DEQ may consider whether public comments warrant further analysis or conditions within its authority, but MEPA does not authorize DEQ to delay its decision solely to allow private parties to resolve access, consent, ownership, or other private legal disputes. Those matters remain subject to the applicable legal process and the authority with jurisdiction over the asserted rights or obligations.

See Table 3: Assessment of Significant (ARM 17.4.608)

Consolidated Response Other

Two commenters expressed support for the Crossover exploration project.

Thank you for your comment. DEQ acknowledges the commenters' support of the Crossover exploration project.